

# ASSEMBLY COMMITTEE ON JUDICIARY

# 2021-2022 BILL SUMMARY

*A Comprehensive Breakdown of  
Legislation Considered by the  
Committee in 2021-2022*

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*November 2022*

*The counsel and staff of the Assembly Judiciary Committee have prepared this comprehensive report of bills considered by the Committee during the 2021-22 legislative session. Because of the COVID-19 pandemic, the Committee heard somewhat fewer bills than usual in 2021, but it made up for the shortfall in 2022. The Committee was responsible for one of the largest and most complex bill loads in the Legislature, encompassing virtually all areas of our civil justice and legal system. Some of the highlights of the session are described below. A more detailed summary of all bills referred to the Committee follows.*

**Immigration and State-Federal Relations.** *The Committee heard a number of bills and resolutions this session relating to immigrants and immigration policy. One bill that is symbolically important and became law strikes the offensive and dehumanizing term "alien" from multiple California Code. Another important bill, that would have eliminated the ability that law enforcement agencies have under existing law (the Values Act) to cooperate with federal immigration authorities and prohibited all state and local agencies from assisting, in any manner, the detention, deportation, or interrogation, of an individual by immigration enforcement, did not move to the Governor's desk. However, the Committee and Legislature approved a bill prohibiting discrimination on the basis of immigration status in legal services offered via the Shriver Act, which was signed into law.*

**Courts, Civil Procedure and Practice, and Related Matters.** *The Committee heard many bills this session seeking to address the impacts of the COVID-19 pandemic on California courts and civil justice system. To that end, the Committee heard and approved several measures that authorized remote proceedings in courts, expanded the use of electronic filing of litigation documents, and protected the public's health and safety when accessing court proceedings regardless of whether a legal proceeding was held in-person or remotely. The Committee passed a measure to require specified law enforcement departments to accept remote requests for service of process. Finally, the Committee authored a bill that removed the presentation requirement present under the Government Claims Act for those asserting claims against State employees, an obstacle that has not existed for victims making claims against local public agencies since 2018.*

**Family Law, Children, and Related Matters.** *As in the past, the Committee heard many bills relating to family law, domestic violence, and juvenile dependency. The Committee passed and the Governor signed legislation requiring information provided to youth in foster care, including the Foster Youth Bill of Rights, to be provided in the youth's primary language. Other bills becoming law this session ensure that children are not brought into the juvenile dependency system due solely to the family's indigence or financial difficulty; create a presumption that, when a child is in foster care, a court order requiring the parent to pay child support for that child is likely to impose a barrier to the family's efforts to reunify; and prohibit the Department of Child Support Services, effective 2025, from denying, withholding, or suspending a low-income child support obligor's driver's license. The Committee passed legislation to expand domestic violence and child abuse educational requirements for judges and other court-connected personnel involved in domestic violence and child custody proceedings, but it did not become law.*

**Conservatorships and Mental Health.** *Conservatorships were in the news a great deal in recent years and were also the subject of numerous proposals in the Legislature. The Committee and Legislature passed, legislation*

that revised how probate conservatorships are investigated, established, and terminated; required the Judicial Council, subject to an appropriation, to establish a conservatorship alternatives program within each self-help center; established voluntary supported decisionmaking to support individuals with disabilities; and required the State Council on Developmental Disabilities, subject to an appropriation, to administer a statewide Supported Decisionmaking Technical Assistance Program, which was signed into law. A bill to implement the Community Assistance, Recovery, and Empowerment (CARE) Act, authorizing specified people to petition a civil court to create a CARE plan and implement services by county behavioral health agencies or others--including behavioral health care, stabilization medication, and housing--to adults who are suffering from schizophrenia spectrum and other psychotic disorders was a noteworthy bill that became law. Other bills that were passed and signed into law clarify when mental health holds under the Lanterman-Petris-Short Act begin and when due process oversight hearings must be provided; and allow an additional 30 days of involuntary commitment and intensive treatment to persons needing them, but only if a court grants the 30-day extension after making required findings.

**Business and Consumer Protection, including Creditor-Debtor Relations.** As is typical, the Committee heard several bills regulating the relationship between creditors and debtors. Among those signed into law were measures that updated the amounts that debtors can protect from creditors in bankruptcy; provided a means for debtors to address debts which they were coerced into entering due to domestic, elder, or dependent abuse; increased the amount of wages shielded from garnishment; reduced the interest available on, and the ability for creditors to renew, judgments for consumer and medical debt; and declared confessions of judgment unlawful in California. In addition, the Committee heard, and the Governor signed, consumer protection measures enhancing the rights of car buyers who purchase guaranteed asset protection (GAP) waivers and car owners whose automobiles are the subject of vehicle history reports; increasing opportunities for prospective owner-occupants and tenants to buy foreclosed-on properties; and permitting veterans who are the victims of unfair or deceptive acts and practices to obtain increased civil damages and penalties.

**Employee Rights.** The Committee heard several important measures this session designed to protect and enforce the rights of employees. Among the measures passed by the Committee and signed into law were significant protections for the rights of garment workers, domestic workers, and fast food workers. Other noteworthy measures passed by the Committee and signed by the Governor expand access to pay data and require publication of pay scale information on certain job postings; protect employees' privacy while engaging in lawful use of cannabis away from work; grant public employee unions the right to bring a claim for employer behaviors deterring union participation; and give workers the right to five days of job-protected bereavement leave. The Committee passed other significant bills that did not become law, including a bill that would have expanded the list of protected characteristics under FEHA to include "family responsibilities" and required employers to make an effective accommodation for obligations arising from an unforeseen need to care for a qualifying family member. A bill that would have imposed accountability measures on the University of California's Equal Pay for Equal Work policy was approved by the Legislature, but vetoed by the Governor.

**Landlord-Tenant.** In the area of landlord-tenant law, a subject over which the Committee has primary jurisdiction, the Committee passed and the Governor signed an urgency measure that extended existing COVID-19-related eviction protection measures until the end of June 2022. Other bills signed into law include a novel measure authorizing courts to order a partial eviction in response to domestic violence (removing an abuser from the premises while allowing victims to remain on the lease), and a bill establishing a framework for landlords to rely on reusable tenant screening reports. Bills in this area that were approved by the Committee but failed elsewhere in the Legislature, included measures meant to close loopholes in 2019 legislation establishing just cause eviction protections and imposing caps on rent

increases for most rental housing in the state; stemming exploitation of the Ellis Act by speculators; and limiting landlords' consideration of prospective tenants' criminal background information.

**Civil and Constitutional Rights.** In the wake of the United States Supreme Court's unprecedented decision to eliminate a previously held constitutional right in the *Dobbs v. Jackson Women's Health* decision, the Committee heard several measure seeking to protect reproductive rights in California. These measures included a constitutional amendment to enshrine the right to an abortion in the California Constitution; a bill to prohibit California courts from enforcing out-of-state fetal heartbeat civil actions; and measures to shield medical records for reproductive healthcare received in California from being subpoenaed by out-of-state individuals and law enforcement agencies. Additionally, in response to several other states' efforts to enact draconian anti-transgender laws, this Committee heard and approved several measures to protect transgender persons and their families coming to California for gender-affirming medical treatments. Finally, reflecting high-profile issues facing the state and the nation, this Committee heard several measures related to gun control and gender-based equity.

**Civil Liability and Immunity.** As always, the Committee heard many bills related to liability and immunity. In relation to the COVID-19 pandemic, such measures addressed the liability of health care providers providing care to at-risk patients. In order to protect pregnant persons from civil and criminal liability for their pregnancy outcomes, the Committee passed and the Governor signed an important measure that strengthened the state's existing prohibitions on the imposition of civil and criminal penalties for pregnancy loss. The new law, among other things, will allow persons whose rights are violated to seek accountability by means of a new civil action against a prosecutor who brings criminal charges based upon a pregnancy loss. Continuing a trend from recent sessions before and after the COVID-19 pandemic, a growing number of these measures seek to impose civil liability for conduct that may cause environmental harms. To that end, the Committee heard several measure seeking to reduce plastics, propane tanks, and paint products from consumer products. Additionally, as a result of the growing impact of climate change in California, the Committee evaluated several measures regarding liability related to wildfire risk, liability related to state-approved takeovers of small, failing, water districts, and several measures related to air and water pollution from hydrocarbons.

**Open Government and the Public Records Act.** The Committee heard and passed several bills relating to the California Public Records Act (CPRA) this session. Most significantly, the Committee passed and the Governor approved bills that recodify the CPRA and expand the categories of police personnel records that are subject to disclosure under the CPRA. Specifically, that latter bill makes public new types of personnel records related to sustained findings of an officer's bias or use of excessive or unreasonable force; extends the time period for agencies to retain records; prohibits destruction of records that are subject to a CPRA request or litigation; and clarifies what costs an agency may charge a requester of public records.

The following report contains a summary of each bill referred to the Committee, as well as helpful statistical data regarding the disposition of the bills assigned to the Committee during the 2021-22 legislative session. We hope you find this information useful.

Sincerely,



Alison Merrilees  
Chief Counsel, Assembly Judiciary Committee



# *Table of Contents*

	<u>Page #'s</u>
<i>I. COVER LETTER</i>	<i>i</i>
<i>II. CHARTS SUMMARIZING CATEGORIES AND DISPOSITION OF BILLS</i>	<i>iii</i>
<i>III. INDEX</i>	<i>1</i>
<i>IV. BILL SUMMARIES</i>	<i>15</i>



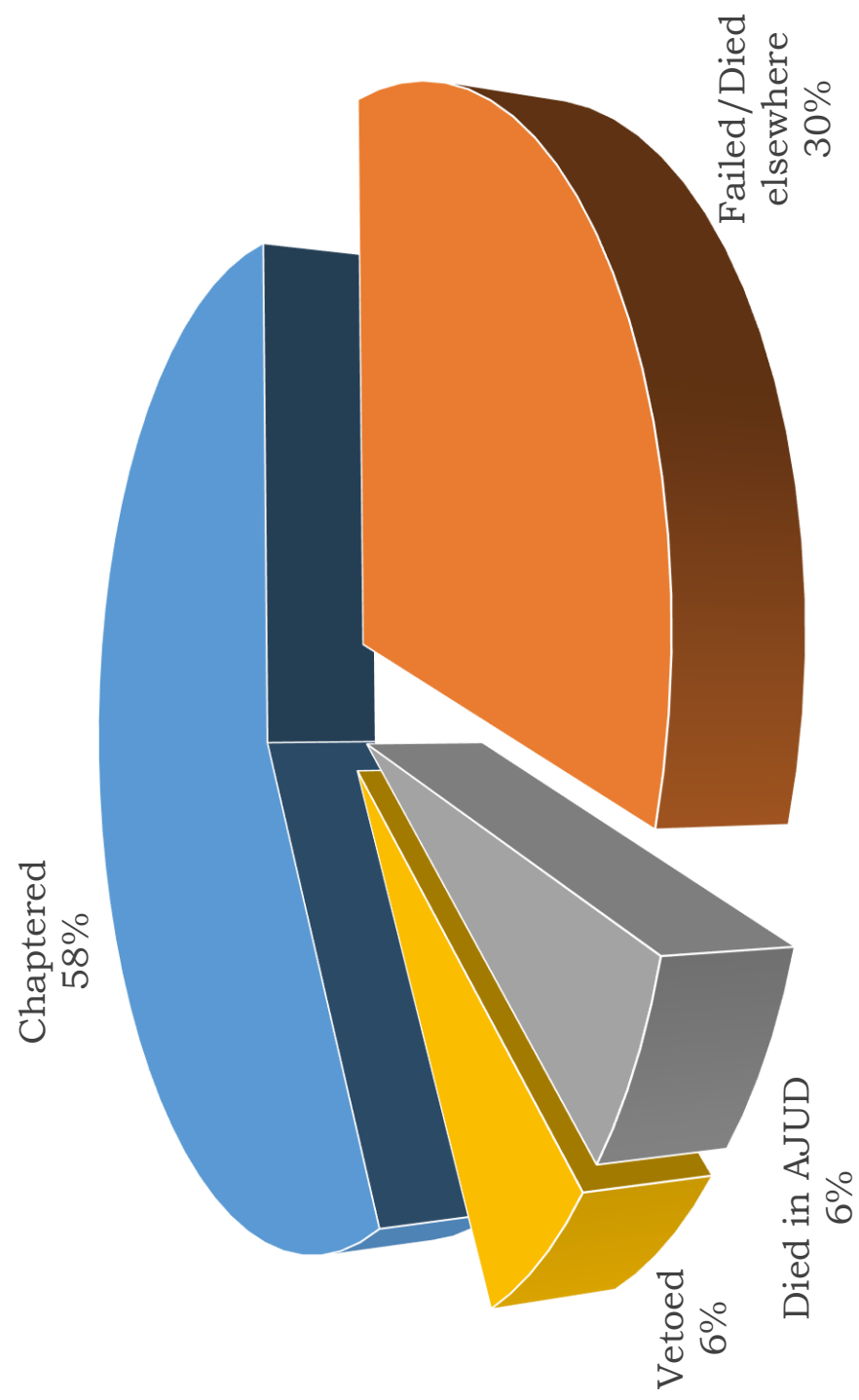


## Disposition of Bills Assigned To The Assembly Judiciary Committee 2021-2022

<b>ASSIGNED</b>	Assembly: 298 Senate: 170 Total: <b>468</b>	
<b>CHAPTERED/ADOPTED</b>	Assembly: 152 Senate: 120 Total: <b>272</b>	<b>58%</b>
<b>VETOED</b>	Assembly: 16 Senate: 12 Total: <b>28</b>	<b>6%</b>
<b>DIED IN AsmJUD</b>	Assembly: 21 Senate: 9 Total: <b>30</b>	<b>6%</b>
<b>FAILED IN AsmJUD</b>	Assembly: 0 Senate: 1 Total: <b>1</b>	<b>0%</b>
<b>FAILED OR DIED ELSEWHERE</b>	Assembly: 109 Senate: 28 Total: <b>137</b>	<b>30%</b>

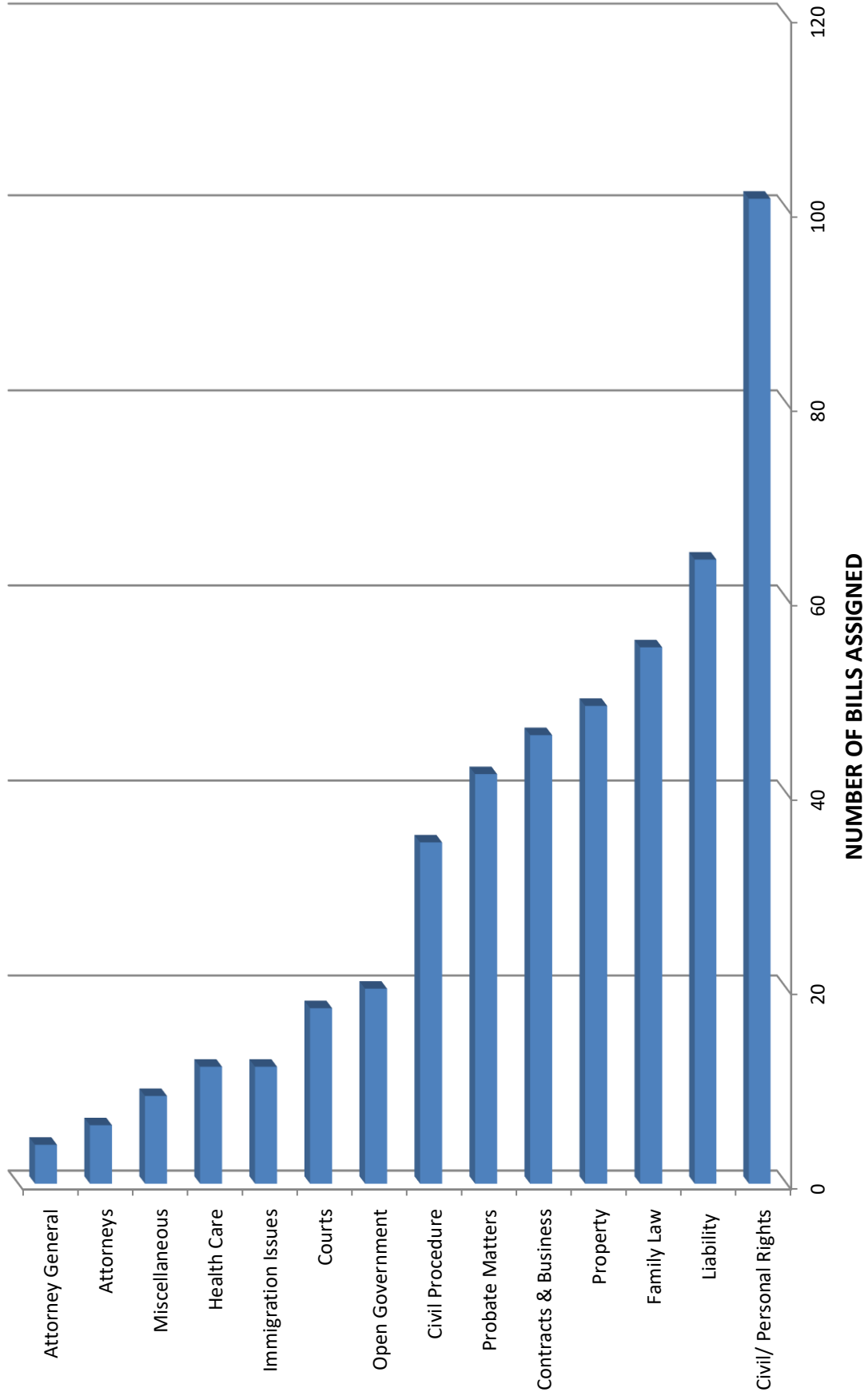


**DISPOSITION OF BILLS ASSIGNED TO THE  
ASSEMBLY JUDICIARY COMMITTEE IN 2021-2022**





# TYPES OF BILLS ASSIGNED TO THE ASSEMBLY JUDICIARY COMMITTEE IN 2021-2022





**2021-2022 INDEX OF BILLS  
BY SUBJECT MATTER**

	<u>Page #</u>
<b>ATTORNEY GENERAL – ENFORCEMENT AND OVERSIGHT</b>	
AB 598 (R. Rivas) Unflavored tobacco list.	15
AB 900 (Reyes) Charitable trusts.	15
AB 1742 (R. Rivas) Tobacco settlement.	15
AB 2520 (Gabriel) Department of Justice: Office of Access to Justice.	15
<b>ATTORNEYS AND RELATED MATTERS</b>	
<i>Attorneys and Related Services</i>	
AB 1916 (Chen) Legal document assistants and unlawful detainer assistants.	15
AJR 12 (Stone) Veterans’ educational benefits.	15
SB 774 (Hertzberg) Lawyer-client privilege: DFEH.	15
<i>State Bar</i>	
AB 2958 (Judiciary) State Bar annual fees and oversight.	16
SB 211 (Umberg) State bar: attorneys’ annual license fees, discipline system review, and general oversight.	16
SB 498 (Umberg) Funds for the provision of legal services to indigent persons: eligibility criteria for services.	16
<b>CIVIL PRACTICE AND PROCEDURE</b>	
<i>Civil Procedure</i>	
AB 287 (Quirk) Civil actions: statute of limitations.	16
AB 514 (Ward) Injunctions: undertakings: sexually explicit material.	16
AB 621 (R. Rivas) California Environmental Quality Act: streamlined environmental review: standard of review: hospitals.	16
AB 693 (Chau) Proposition 65: enforcement.	16
AB 919 (Grayson) Construction defects: actions: statute of limitations.	17
AB 930 (Levine) Subsurface installations: attorney’s fees and costs.	17
AB 1143 (Berman) Civil procedure: restraining orders.	17
AB 1277 (Rubio) California Environmental Quality Act: student housing development projects: expedited judicial review.	17
AB 1455 (Wicks) Sexual assault by law enforcement officers: statute of limitations.	17
AB 1574 (Jobs, Economic Development, and the Economy) Public contracts: small business liaisons and advocates and disabled veteran business enterprises: preferences.	17
AB 1774 (Seyarto) California Environmental Quality Act: water conveyance or storage projects: judicial review.	17

AB 1935	(Grayson) California Environmental Quality Act: redevelopment: Concord Naval Weapons Station.	18
AB 2091	(Bonta) Reproductive health and privacy.	18
AB 2421	(Rubio) Water: unlicensed cannabis cultivation.	18
AB 2445	(Gallagher) California Environmental Quality Act: affordable housing: judicial review: bonds.	18
AB 2743	(M. Fong) Proposition 65: enforcement: private actions.	18
AB 2791	(Bloom) Sheriffs: service of process and notices.	18
AB 2959	(Judiciary) Childhood sexual assault claims.	19
AB 2961	(Judiciary) Civil procedure: electronic filing and service.	19
SB 33	(Cortese) California Environmental Quality Act: judicial and administrative proceedings: limitations.	19
SB 44	(Allen) California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.	19
SB 233	(Umberg) Appearance by phone.	19
SB 323	(Caballero) Local government: water or sewer service: legal actions.	19
SB 447	(Laird) Civil actions: decedent’s cause of action.	19
SB 688	(Wieckowski) Judgments by confession.	20
SB 762	(Wieckowski) Contracts.	20
SB 937	(Ochoa Bogh) Subpoenas: business records.	20
SB 1037	(Umberg) Civil discovery: oral depositions: conduct of deposition.	20
SB 1149	(Leyva) Civil actions: agreements setting actions involving public health or safety.	20
SB 1155	(Caballero) Liability claims: time-limited demands.	20
SB 1210	(Cortese) Obscene materials: attorney’s fees.	20
SB 1279	(Ochoa Bogh) Guardian ad litem: appointment.	20

***Evidence***

AB 2017	(Mathis) Evidence: hearsay: exceptions.	20
SB 836	(Wiener) Evidence: immigration status.	21
SB 1171	(Caballero) Hearsay evidence: exceptions: medical diagnosis or treatment.	21

**CONTRACTS, BUSINESS AND COMMERCIAL MATTERS**

***Business and Consumer Protection***

AB 371	(Jones-Sawyer) Shared mobility devices: insurance requirements.	21
AB 587	(Gabriel) Social media companies: terms of service.	21
AB 782	(Cooper) Congo Child Labor Act of 2021.	21
AB 790	(Quirk-Silva) Consumers Legal Remedies Act: home solicitations of seniors: Property Assessed Clean Energy financing.	21
AB 1084	(Low, C. Garcia) Gender neutral retail departments.	21
AB 1093	(Jones-Sawyer) Remote online notaries public.	22
AB 1221	(Flora) Consumer warranties: service contracts: automatic renewal.	22
AB 1287	(Bauer-Kahan, C. Garcia) Price discrimination: gender.	22
AB 1341	(C. Garcia, Aguiar-Curry) Dietary supplements for weight loss and over-the-counter dietary pills: sale.	22



AB 1661	(Davies) Human trafficking: notice.	22
AB 2753	(Reyes) Communications: Digital Equity Bill of Rights.	22
AB 2796	(E. Garcia) Unfair competition.	22
AB 2834	(Kiley) Notaries public: certificate corrections.	22
SB 49	(Umberg) Corporate conversions.	22
SB 218	(Jones) Corporations: ratification or validation of noncompliant corporate actions.	23
SB 288	(Jones) Corporations: conversions.	23
SB 343	(Allen) Environmental advertising: recycling symbol: products and packaging.	23
SB 349	(Umberg) California Ethical Treatment for Persons with Substance Use Disorder Act.	23
SB 461	(Cortese) Unfair Competition Law: standing: counties.	23
SB 633	(Limón) Consumer credit contracts: translations.	23
SB 1179	(Glazer) Electronic transactions: insurance.	23
SB 1186	(Wiener) Medicinal Cannabis Patients' Right of Access Act.	23
SB 1202	(Limón) Business entities: Secretary of State: document filings.	23
SB 1311	(Eggman, Atkins) Veterans: protections.	24

***Vehicles***

AB 1211	(Muratsuchi) Electric mobility manufacturers.	24
AB 1871	(Calderon) Vehicle history reports: source information.	24
AB 2311	(Maienschein) Motor vehicle conditional sale contracts: guaranteed asset protection waivers.	24
SB 361	(Umberg) Uniform Electronic Transactions Act: vehicle sales and leases.	24
SB 1398	(Gonzalez) Vehicles: consumer notices.	

***Contracts***

AB 272	(Kiley) Enrollment agreements.	25
AB 676	(Holden) Franchises.	25
AB 891	(Cunningham) Contracts: consent by minors.	25
SB 947	(Wilk) Whistleblowers: private entities awarded large state contracts.	25
SB 1247	(Hueso) Franchises.	25
SB 1259	(Laird) Retail installment contracts.	25

***Creditor-Debtor Relations***

AB 424	(Stone) Private Student Loan Collections Reform Act.	25
AB 430	(Grayson) Proof of identity theft.	25
AB 1405	(Wicks) Fair Debt Settlement Practices Act.	26
AB 1580	(Judiciary) Enforcement of money judgment: debtor's examination: organizations.	26
AB 1799	(Gallagher) Enforcement of money judgments: exemptions.	26
SB 531	(Wieckowski) Rosenthal Fair Debt Collection Practices Act: required notices.	26
SB 956	(Wieckowski) Enforcement of money judgments: exemptions.	26
SB 975	(Min) Debt: coerced debts.	26
SB 1099	(Wieckowski) Bankruptcy: debtors.	26

SB 1200	(Skinner) Enforcement of judgments: renewal and interest.	26
SB 1477	(Wieckowski) Enforcement of judgments: wage garnishment.	26

**COURTS AND RELATED MATTERS**

*Courts*

AB 618	(Choi) Payment options for criminal fines and fees.	26
AB 716	(Bennett) Court access: remote access: media and public.	27
AB 855	(Ramos) Judicial holidays.	27
AB 1576	(Judiciary) Court lactation room access.	27
AB 1865	(Bennett) Court fee waiver: water rights cases.	27
AB 2220	(Muratsuchi) Homeless courts pilot projects.	27
AB 2268	(Gray) Charles James Ogletree, Jr. Courthouse.	27
AB 2290	(Carrillo) Unlawful detainer: civil case records: reports.	27
AB 2962	(Judiciary) Court records.	27
ACR 9	(Gray) Dr. Charles James Ogletree, Jr. Courthouse.	28
SB 355	(Becker) Court fees and costs: eligibility for waiver.	28
SB 1096	(Limón) Online tool: traffic violator school.	28

*Court Reporting and Recording*

SB 241	(Umberg) Civil actions.	28
SB 848	(Umberg) Civil actions: parties and postponements.	28

*Juries*

AB 1452	(Ting) Pilot program: increased fee for low-income jurors: criminal trials.	28
AB 1981	(Lee) Jury duty.	29

*Judges*

AB 1577	(Judiciary) Commission on Judicial Performance.	29
AB 2313	(Bloom) Water: judges and adjudications.	29

**FAMILY LAW, CHILDREN AND RELATED MATTERS**

*Adoption*

AB 746	(Cervantes) Adoption: stepparent adoption.	29
AB 993	(Patterson) Adoption: parent-child relationship.	29
AB 2353	(Mathis) Guardian adoption.	29
AB 2495	(Patterson) Parent-child relationship.	29
AB 2845	(Patterson) Parent-child relationship.	30

*Children*

AB 546	(Maienschein) Dependent children: documents: housing.	30
AB 549	(Gipson) Nonminor dependents.	30
AB 670	(Calderon) Child abuse or neglect: minor and nonminor dependent parents.	30

AB 674	(Bennett) Dependent children: CalFresh documents.	30
AB 788	(Calderon) Dependent children: reunification.	30
AB 841	(Cunningham) Dependent children: noncustodial parent.	31
AB 1140	(R. Rivas) Foster care: rights.	31
AB 1686	(Bryan) Child welfare reunification: presumption against child support.	31
AB 1735	(Bryan) Foster care: rights.	31
AB 1794	(Gipson) Post-adoption contact agreements: reinstatement of parental rights.	31
AB 1950	(Ramos) Child welfare: Indian children.	31
AB 2100	(Carrillo) Reunification services.	31
AB 2159	(Bryan) Dependent children: reunification services.	31
AB 2189	(Friedman) Dependent children: continuing jurisdiction.	32
AB 2306	(Cooley) Foster care.	32
AB 2466	(Cervantes) Foster children.	32
AB 2502	(Cervantes) Foster care.	32
AB 2595	(Jones-Sawyer) Juvenile dependency: treatment of cannabis.	32
AB 2663	(Ramos) Youth homelessness.	32
AB 2665	(Carrillo) Child welfare system: racial disparities.	32
AB 2866	(Cunningham) Dependent children.	32
AB 2945	(Arambula) Foster care: enrichment activities.	33
SB 233	(Umberg) Compromise of minor's disputed claim.	33
SB 354	(Skinner) Placement of foster children: criminal background checks.	33
SB 1085	(Kamlager) Dependency court jurisdiction.	33
SB 1090	(Hurtado) Family Urgent Response System.	33
SB 1300	(Durazo) Foster youth: Supplemental Security Income.	33

***Child Custody and Visitation***

AB 2279	(Rubio) Custody disposition survey.	33
SB 616	(Rubio) Child custody: child abuse and safety.	34
SB 654	(Min) Child custody.	34

***Marriage***

AB 583	(Davies, Chiu) Remote marriage license issuance and solemnization.	34
--------	--	----

***Paternity and Child, Family and Spousal Support***

AB 429	(Dahle) Parentage: access to records and court hearings.	34
AB 1926	(Choi) Voluntary declaration of parentage.	34
SB 454	(Bates) Child support: enforcement.	34
SB 946	(Jones) Child support payments.	34
SB 1055	(Kamlager) Child support enforcement: license suspension.	34

***Domestic Violence***

AB 611	(Quirk-Silva) Safe at Home: Homeowner Association documents.	35
AB 887	(Levine) Domestic violence: restraining orders.	35
AB 2369	(Salas) Domestic violence: attorney's fees.	35

AB 2391	(Cunningham) Civil actions: vexatious litigants.	35
SB 24	(Caballero, Rubio) Domestic violence: information pertaining to a child.	35
SB 320	(Eggman) Domestic violence protective orders: possession of a firearm.	35
SB 374	(Min) Protective orders: reproductive coercion.	35
SB 538	(Rubio) Domestic violence and gun violence restraining orders.	36
SB 935	(Min, Rubio) Domestic violence: protective orders.	36
SB 1265	(Rubio) Domestic violence: child visitation.	36

***Family Law***

AB 627	(Waldron) Recognition of tribal court orders: rights to retirement plans or deferred compensation.	36
AB 1579	(Judiciary) Family law omnibus.	36
SB 1182	(Eggman) Family law.	36

**HEALTH CARE**

AB 35	(Reyes) Civil damages: medical malpractice.	36
AB 381	(Davies, Petrie-Norris) Licensed facilities: duties.	37
AB 705	(Kamlager) Health care: facilities: medical privileges.	37
AB 1020	(Friedman) Hospital Fair Pricing Act: hospital debt collection.	37
AB 1132	(Wood) Health Care Consolidation and Contracting Fairness Act.	37
AB 1234	(Arambula) Physician Orders for Life Sustaining Treatment forms.	37
AB 1810	(Levine) Pupil health: seizure disorders.	38
AB 2080	(Wood) Health Care Consolidation and Contracting Fairness Act of 2022.	38
AB 2329	(Carrillo) Pupil health: mobile vision examinations.	38
AB 2338	(Gipson) Healthcare decisions: surrogates.	38
AB 2951	(Salas) Mobile mental health crisis response teams.	38
SB 744	(Glazer) Communicable diseases: respiratory virus information.	38

**IMMIGRATION ISSUES**

AB 829	(Levine) Foster care: immigration counsel.	39
AB 937	(Carrillo, Kalra, Santiago) Immigration enforcement.	39
AB 1096	(L. Rivas) Alien: change of terms.	39
AB 1708	(Kiley) Law enforcement: data sharing.	39
AB 2193	(Gabriel) Civil representation: immigration status.	39
AJR 1	(Kalra) Abolition of U.S. Immigration and Customs Enforcement.	39
AJR 15	(McCarty) World Refugee Day.	39
AJR 16	(Reyes) Federal immigration reform.	39
AJR 34	(McCarty) World Refugee Day.	40
SB 452	(Gonzalez) Immigrant and Refugee Affairs Agency.	40
SJR 2	(Hueso) Federal immigration reform.	40
SJR 14	(Allen) Ukrainian refugees.	40

## LIABILITY AND RELATED MATTERS

### *Damages and Civil Penalties*

AB 21	(Bauer-Kahan) Forestry: electrical transmission and distribution lines: clearance: penalties.	40
AB 453	(C. Garcia) Sexual battery: nonconsensual condom removal.	40
AB 556	(Maienschein) Misuse of sperm, ova, or embryos: damages.	40
AB 818	(Bloom) Solid waste: premoistened nonwoven disposable wipes.	40
AB 1007	(Carrillo) Forced or Involuntary Sterilization Compensation Program.	41
AB 1138	(Rubio) Unlawful cannabis activity: civil enforcement.	41
AB 1371	(Friedman) Recycling: plastic: packaging and carryout bags.	41
AB 1594	(Ting, Gipson, Ward) Firearms: civil suits.	41
AB 1611	(Davies) Oil spills: potential casualties with submerged oil pipelines: vessels.	41
AB 1690	(L. Rivas) Tobacco products: single-use components.	41
AB 1730	(Davies) Penal damages: veterans.	41
AB 1788	(Cunningham, Valladares) Sex trafficking: hotels: constructive knowledge.	42
AB 1897	(Wicks) Solid waste: reporting, packaging, and plastic food service ware.	42
AB 2026	(Friedman) Recycling: plastic packaging.	42
AB 2102	(Jones-Sawyer) Cannabis: facilities used for unlawful purposes.	42
AB 2247	(Bloom) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and components.	42
AB 2289	(Lee) Wealth tax: false claims act.	42
AB 2323	(Levine) Insurance: covered communications.	42
AB 2408	(Cunningham) Social media: child users.	42
AB 2571	(Bauer-Kahan) Firearms: advertising to minors.	42
AB 2650	(Arambula) Pools and spas: drowning prevention: home inspectors.	43
AB 2728	(Smith) Unlawful cannabis activity: penalties.	43
AB 2764	(Nazarian) Animals: commercial animal feeding operations and slaughterhouses.	43
AB 2766	(Maienschein) Unfair Competition Law: enforcement powers.	43
AB 2777	(Wicks) Sexual assault: statute of limitations.	43
AB 2826	(Muratsuchi) California Platform Accountability and Transparency Act.	43
AB 2910	(Santiago) Nonvehicular air pollution: civil penalties.	44
SB 53	(Leyva) Unsolicited images.	44
SB 252	(Wiener) Toxicological testing on dogs and cats.	44
SB 260	(Wiener) Climate Corporate Accountability Act.	44
SB 297	(Durazo) Subsurface installations: penalties.	44
SB 301	(Skinner) Online marketplaces.	44
SB 501	(Wieckowski) Claims against public entities.	44
SB 660	(Newman) Initiative, referendum, and recalls: compensation for signatures.	44
SB 703	(Hurtado) Diseased animals: laboratory services.	44
SB 776	(Gonzalez) Safe drinking water and water quality.	45
SB 879	(Wiener) Toxicological testing on dogs and cats.	45
SB 1076	(Archuleta) Lead-based paint.	45
SB 1256	(Wieckowski) Waste management: disposable propane cylinders.	45

SB 1327	(Hertzberg, Portantino) Firearms: private rights of action.	45
---------	---	----

***Immunity and Scope of Liability***

AB 247	(Ramos) COVID-19: immunity from civil liability.	45
AB 315	(Stone) Voluntary stream restoration property owner liability: indemnification.	45
AB 575	(Fong) Civil liability: prescribed burning activities: gross negligence.	46
AB 662	(Rodriguez) Mental health: involuntary treatment: liability of emergency medical personnel dispatch and response.	46
AB 849	(Reyes) Skilled nursing facilities: intermediate care facilities: liability.	46
AB 1182	(Stone) Online marketplaces: strict liability.	46
AB 1313	(Bigelow) COVID-19: immunity from civil liability.	46
AB 1430	(Arambula) Pharmacy: dispensing: controlled substances.	46
AB 1681	(Daly) Insurance: fraud prevention and detection.	46
AB 1813	(Medina) State Athletic Commission Act: officers and personnel.	47
AB 1906	(Stone) Voluntary stream restoration property owner liability: indemnification.	47
AB 2260	(Rodriguez) Emergency response: trauma kits.	47
AB 2265	(Arambula) Dispensing controlled substances: lockable vials.	47
AB 2591	(Valladares) Homeless services: nonprofit charitable organizations: immunity.	47
AB 2631	(O'Donnell) Government Claims Act.	47
AB 2874	(Cooley) Fire prevention: electrical utility facilities and maintenance: liability of contractors.	47
SB 332	(Dodd) Civil liability: prescribed burning operations: gross negligence.	47
SB 505	(Skinner) Civil law: firearms liability and insurance.	48
SB 687	(Hueso) Emergency response: trauma kits.	48
SB 926	(Dodd) Prescribed Fire Liability Pilot Program.	48
SB 1040	(Rubio) Insurance: restitution.	48
SB 1173	(Gonzalez) Public retirement systems: fossil fuels: divestment.	48
SB 1254	(Hertzberg) Drinking water: administrator: managerial and other services.	48

**CIVIL, CONSTITUTIONAL, AND PERSONAL RIGHTS**

***Civil Rights***

AB 1000	(Ward) Fair Employment and Housing: housing status: fines, penalties, or charges.	48
AB 1241	(Jones-Sawyer) Rental housing: applications: criminal records.	49
AB 1372	(Muratsuchi) Right to temporary shelter.	49
AB 1466	(McCarty, Bonta, Chiu) Real property: discriminatory restrictions.	49
AB 1467	(Cervantes) Students: sexual assault.	49
AB 1766	(Stone et. al.) Department of Motor Vehicles: identification cards.	49
AB 2296	(Jones-Sawyer) Task Force to Study and Develop Reparation Proposals.	49
AB 2383	(Jones-Sawyer) Rental housing unlawful housing practices: applications: criminal history.	49
AB 2448	(Ting) Businesses: discrimination and harassment.	49
AB 2662	(Kalra) Department of Fair Employment and Housing.	50
AB 2755	(Muratsuchi) Cities and counties: unhoused persons: reports and plans.	50
AJR 14	(Boerner Horvath) Title IX: 49th anniversary.	50

AJR 23	(Boerner Horvath) Title IX: 50th anniversary.	50
SB 2	(Bradford) Peace officers: certification: civil rights.	50
SB 107	(Wiener) Gender-affirming health care.	50
SB 272	(Laird) State government: gender-neutral terms: California Conservation Corps.	50
SB 352	(Eggman) The military: sexual harassment.	51
SB 363	(Leyva) Educational equity: government instruction conferences.	51
SB 647	(Laird) Unruh Civil Rights Act: service of process: Department of Fair Employment and Housing.	51
SB 807	(Wieckowski) Enforcement of Civil Rights: Department of Fair Employment and Housing.	51
SB 866	(Wiener) Minors: vaccine consent.	51

***Constitutional Rights***

AB 35	(Chau) Social media platforms: false information.	51
AB 945	(Ramos) Adornments at school graduations.	52
AB 1114	(Gallagher) Social media platform: limited public forum.	52
AB 1349	(Mathis) Broadband adoption account: religious organizations.	52
AB 1379	(E. Garcia) Political Reform Act: online platform disclosures.	52
AB 2879	(Low) Online content: students: cyberbullying.	52
ACR 83	(McCarty) Loving Day.	52
ACR 197	(McCarty) Loving Day.	52
HR 115	(Kalra) Sikhism.	52
SB 1018	(Pan) Platform Accountability and Transparency Act.	52
SB 1056	(Umberg) Social media: violent posts.	53
SCR 92	(Leyva) The Equal Rights Amendment: the California Law Revision Commission: study.	53
SJR 12	(Skinner) Equal Rights Amendment.	53

***Disability Rights***

AB 1990	(Arambula) DFEH: Californians with disabilities: workgroup.	53
AB 2164	(Lee) Disability access: funding.	53
AB 2829	(Low) Certified Access Specialist Inspection Grant Program.	53
AB 2917	(M. Fong) State law: disability access.	53
AB 2962	(Judiciary) Construction-related accessibility.	53

***Personal Rights***

AB 218	(Ward) Change of gender: updated marriage and birth certificates.	54
AB 378	(Bauer-Kahan) Public officials and fair political practices act: non-gendered pronouns.	54
AB 421	(Ward) Change of gender and sex identifier.	54
AB 1094	(Arambula) Sexual orientation and gender identity data collection.	54
AB 1318	(Stone) Change of name and gender: minors.	54
AB 1666	(Bauer-Kahan) Abortion: civil action.	54
AB 1785	(Davies) California parents' bill of rights.	54

AB 2223	(Wicks) Reproductive health.	55
AB 2312	(Lee) Nonprescription contraception: access.	55
HR 78	(Bauer-Kahan) Reproductive health care.	55
SB 380	(Eggman) End of life.	55
SB 518	(Laird) Office of the Self-Determination Ombudsperson.	55
SB 1142	(Caballero, Skinner) Abortion services.	55
SB 1245	(Kamlager) Los Angeles County Abortion Access Safe Haven Pilot Program.	56
SCA 10	(Atkins, Rendon) Reproductive Freedom.	56

***Privacy Rights***

AB 277	(Valladares, Davies) Domestic violence: victims: address confidentiality.	56
AB 814	(Levine) Personal information: contact tracing.	56
AB 1726	(Aguilar-Curry) Address Confidentiality Program.	56
AB 1917	(Levine) Personal information: contact tracing.	56
AB 2381	(Daly) Code enforcement officers: address confidentiality program.	57
AB 2872	(Weber) Domestic violence: victims: address confidentiality.	57
SB 41	(Umberg) Privacy: genetic testing companies.	57
SB 1079	(Portantino) Vehicles: sound-activated enforcement devices: confidential records.	57
SB 1131	(Newman) Safe at Home program: election workers and reproductive health care providers.	57
SB 1172	(Pan) Student Test Taker Privacy Protection Act.	57
SB 1419	(Becker) Health information: access to minor's records.	57
SJR 7	(Bradford) Dr. Martin Luther King, Jr. and the FBI surveillance tapes.	58

***Employment Rights***

AB 257	(Holden et. al.) Fast Food Employment Standards.	58
AB 364	(Rodriguez) Foreign labor contractor registration: agricultural workers.	58
AB 385	(Flora) Labor Code: Private Attorneys General Act.	58
AB 530	(Fong) Labor Code: Private Attorneys General Act.	58
AB 1028	(Seyarto, Bigelow) Telework Flexibility Act.	58
AB 1033	(Bauer-Kahan) Small employer family leave mediation: pilot project.	59
AB 1119	(Wicks) Employment discrimination.	59
AB 1122	(C. Garcia, Holden) Employment discrimination: protected groups.	59
AB 1256	(Quirk) Employment discrimination: cannabis screening test.	59
AB 1714	(Cooper) Excluded employees: binding arbitration.	59
AB 1723	(Patterson) California State Auditor: whistleblower protection.	59
AB 1844	(Medina) Higher Ed Student and Faculty Protection Act.	59
AB 1949	(Low) Bereavement leave.	59
AB 1993	(Wicks et. al.) Employment: COVID-19 vaccination requirements.	60
AB 2182	(Wicks) Discrimination: family responsibilities.	60
AB 2188	(Quirk) Discrimination in employment: use of cannabis.	60
SB 62	(Durazo) Employment: garment manufacturing.	60
SB 76	(Nielsen) Excluded employees: binding arbitration.	60
SB 206	(McGuire) Firefighters Procedural Bill of Rights Act.	60
SB 270	(Durazo) Public employment: labor relations: employee information.	60



SB 321	(Durazo) Employment safety standards: household domestic services.	60
SB 331	(Leyva) Settlement and nondisparagement agreements.	60
SB 338	(Gonzalez) Misclassification of employees: enforcement: port drayage.	61
SB 505	(Hertzberg) Wages: withholdings.	61
SB 572	(Hertzberg) Labor Commissioner: enforcement: lien on real property.	61
SB 598	(Pan) Sacramento Regional Transit District: employee relations.	61
SB 606	(Gonzalez) Workplace safety: citations: employer retaliation.	61
SB 646	(Hertzberg) Labor Code Private Attorneys General Act: janitorial employees.	61
SB 657	(Ochoa Bogh) Employment: electronic documents.	62
SB 727	(Leyva) Labor-related liabilities: direct contractor.	62
SB 931	(Leyva) Deterring union membership: violations.	62
SB 1162	(Limón) Employment: salaries and wages.	62
SB 1260	(Durazo) Employment: garment manufacturing.	62
SB 1364	(Durazo, Caballero) University of California: vendors.	62
SB 1406	(Durazo) Excluded employees: binding arbitration.	62
SB 1488	(Glazer) San Francisco Bay Area Rapid Transit District.	62

## **OPEN GOVERNMENT AND PUBLIC RECORDS**

AB 343	(Fong) California Public Records Act Ombudsperson.	63
AB 386	(Cooper) Public Employees' Retirement Fund: investments: confidentiality.	63
AB 409	(Seyarto) Crimes: public records: disclosure of information.	63
AB 473	(Chau) California Public Records Act.	63
AB 474	(Chau) California Public Records Act: conforming revisions.	63
AB 478	(Ting) Thermoform containers: release of records.	63
AB 2370	(Levine) Public records: state agency retention.	63
AB 2429	(Quirk) POST: training requirements: records.	63
AB 2557	(Bonta) Peace officers: records.	64
AB 2647	(Levine) Local government: open meetings.	64
AB 2711	(Calderon) Juvenile records access.	64
AB 2788	(Mathis) Public records: agency response.	64
SB 16	(Skinner) Peace officers: release of records.	64
SB 533	(Stern) Electrical corporations: wildfire mitigation plans: deenergization events.	64
SB 702	(Limón) Gubernatorial appointments: report.	64
SB 1054	(Ochoa Bogh) Public social services: records: confidentiality: multidisciplinary personnel teams.	65
SB 1071	(Umberg) Public social services: administrative hearings: juvenile records access.	65
SB 1100	(Cortese) Open meetings: orderly conduct.	65
SB 1214	(Jones) Planning and zoning: local planning.	65
SB 1387	(Limón) Gubernatorial appointments: report.	65

## **PROBATE AND RELATED MATTERS**

### ***Civil Commitment, Conservatorship and Guardianship***

AB 260	(Stone) Guardianships.	65
--------	------------------------	----

AB 574	(Chen) Guardians ad litem: mental illness.	65
AB 596	(Nguyen) Conservatorships: appointed counsel.	66
AB 1062	(Mathis) Guardians and conservators: disposition of property.	66
AB 1194	(Low) Conservatorships.	66
AB 1340	(Santiago) Mental health services.	66
AB 1663	(Maienschein) Probate conservatorships and supported decisionmaking.	66
AB 2020	(Gallagher) Mental health services: gravely disabled.	66
AB 2242	(Santiago) Mental health holds.	67
AB 2275	(Wood, Stone) Mental health: involuntary commitment.	67
AB 2288	(Choi) Advance health care directive: mental health treatment.	67
AB 2291	(Muratsuchi) Mental health services: involuntary treatment.	67
AB 2309	(Friedman) Guardianships.	67
AB 2616	(Low) Conservatorships and guardianships.	67
AB 2628	(Reyes) Dependency: victims of human trafficking.	67
AB 2830	(Bloom) CARE court.	68
AB 2853	(Lackey) Mental health: involuntary holds.	68
SB 340	(Stern) Lanterman-Petris-Short Act: hearings.	68
SB 507	(Eggman) Mental health services: assisted outpatient treatment.	68
SB 516	(Eggman, Stern) Certification for intensive treatment: review hearing.	68
SB 578	(Jones) Lanterman-Petris-Short Act: hearings.	68
SB 602	(Laird) Conservatorships: care plans.	68
SB 782	(Glazer) Assisted outpatient treatment programs.	69
SB 965	(Eggman) Conservatorship: medical record hearsay.	69
SB 1005	(Wieckowski) Conservatorship: sale of residence.	69
SB 1024	(Jones) Replacement of an incapacitated or deceased professional fiduciary.	69
SB 1035	(Eggman) Mental health services: assisted outpatient treatment.	69
SB 1092	(Hurtado) Developmental services: individual program plan: fair hearings.	69
SB 1227	(Eggman) Involuntary commitment: intensive treatment extension.	69
SB 1338	(Umberg, Eggman) CARE court.	69
SB 1394	(Eggman) Conservatorships: gravely disabled persons.	69
SB 1416	(Eggman) Mental health services: gravely disabled.	70

***Elder Abuse***

AB 1243	(Rubio) Protective orders: elder and dependent adults.	70
AB 1809	(Aguiar-Curry) Nursing Facility Resident Informed Consent Protection Act.	70

***Trusts and Estates***

AB 1079	(Gallagher) Trusts: incompetence of settlor.	70
AB 1716	(Maienschein) Estate: disposition.	70
AB 1745	(Nguyen) Trusts: notifications.	70
AB 1866	(Chen) Irrevocable trusts: limitations.	70
SB 315	(Roth) Revocable transfer on death deed.	71
SB 329	(Jones) Wills and trusts: no contest clauses.	71
SB 928	(Wieckowski) Public administrators: compensation.	71
SB 1159	(Jones) Uniform Fiduciary Income and Principal Act.	71

## **PROPERTY AND RELATED MATTERS**

### ***Mortgage Lending and Foreclosure***

AB 1837	(Bonta) Residential real property: foreclosure.	71
AB 2170	(Grayson) Residential real property: foreclosure sales.	71
SB 1323	(Archuleta) Foreclosure: equity sale: multiple listing.	71

### ***Personal Property***

AB 293	(Kalra) Unclaimed Property Law: preneed funeral arrangements.	71
AB 1208	(Ting) Unclaimed Property Law: claims streamlining.	72
AB 2280	(Reyes) Unclaimed property: interest assessments and disclosure of records.	72
SB 308	(Min) Unclaimed Property Law: electronic funds transfer: holders.	72

### ***Common Interest Developments***

AB 1101	(Irwin) Common interest developments: funds: insurance.	72
AB 1410	(Rodriguez) Associations: declared emergency: protected uses.	72
SB 391	(Min) Common interest developments: emergency powers and procedures.	72
SB 392	(Archuleta) Common interest developments: document delivery.	72
SB 432	(Wieckowski) Common interest developments.	72

### ***Real Property***

AB 633	(Calderon) Uniform Partition of Heirs Property Act.	73
AB 870	(Santiago) Hazardous materials: liens.	73
AB 1375	(Bloom) Real property sales: termination of offer.	73
AB 2245	(Ramos) Partition of real property.	73
AB 2328	(Flora) Local ordinances: home experience sharing.	73
AB 2512	(Bloom) Animals: aquatic plants: importation, transportation, and sheltering.	73
AB 2672	(Flora) Fire prevention: defensible space inspections: statewide defensible space and home hardening platform.	73
AB 2710	(Kalra) Residential real property: sale of rental properties: right of first offer.	73
AB 2899	(Ting) California Hazardous Substances Act: misbranded and banned hazardous substances: hearing procedure.	74
SB 1065	(Eggman) California Abandoned and Derelict Commercial Vessel Program.	74
SB 1084	(Hurtado) Agricultural land: foreign ownership and interests: foreign governments.	74
SB 1405	(Ochoa Bogh) Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions.	74

### ***Rental Property***

AB 255	(Muratsuchi) COVID-19 Emergency Small Business Eviction Relief Act.	74
AB 780	(Ting) Tenancies: notifying landlord of claim.	74
AB 832	(Chiu) COVID-19 Rental Housing Recovery Act.	74
AB 854	(Lee) Ellis Act: residential real property: withdrawal.	74

AB 1188	(Wicks) Rental property data registry.	75
AB 1487	(Gabriel) Legal Services Trust Fund Commission: Homelessness Prevention Fund.	75
AB 2050	(Lee, Carrillo) Residential real property: withdrawal of accommodations.	75
AB 2179	(Grayson, Wicks) COVID-19 relief: tenancy.	75
AB 2203	(L. Rivas) Fair employment and housing protections: credit reports.	75
AB 2297	(Wicks) Tenancy: feel in lieu of a security deposit.	75
AB 2386	(Bloom) Planning and zoning: tenancy in common subject to an exclusive occupancy agreement.	75
AB 2469	(Wicks) Housing: Statewide Rental Registry.	75
AB 2503	(C. Garcia) Landlords and tenants: lessors and lessees.	76
AB 2559	(Ward) Reusable screening reports.	76
AB 2713	(Wicks, Bloom, Grayson) Tenant protections: just cause termination: rent caps.	76
SB 555	(McGuire) Local agencies: transient occupancy taxes: online short-term rental facilitator: collection.	76
SB 847	(Hurtado) COVID-19 relief: tenancy: grant program.	76
SB 1017	(Eggman) Leases: termination of tenancy: abuse or violence.	76
SB 1026	(Wieckowski) Residential energy efficiency disclosure statement.	76
SB 1335	(Eggman) Discrimination: housing: credit history of persons receiving housing subsidies.	76
SB 1396	(Bradford) Tenancy: credit reporting.	77

***Affordable Housing***

AB 258	(Villapudua) Emergency Housing and Assistance Program: pets.	77
AB 721	(Bloom) Covenants and restrictions: affordable housing.	77
AB 1258	(Nguyen) Housing element: regional housing need plan: judicial review.	77
SB 591	(Becker) Senior citizens: intergenerational housing developments.	77

**MISCELLANEOUS**

AB 358	(Flora) Electrified security fences: permitted use.	77
AB 938	(Davies) Maintenance of the codes.	77
AB 1578	(Judiciary) Judiciary omnibus.	77
AB 1901	(Nazarian) Pet trainers.	78
AB 2960	(Judiciary) Judiciary omnibus.	78
ACR 24	(Chau) California Law Revision Commission: studies.	78
ACR 95	(Cunningham, Wicks) California Law Revision Commission: antitrust study.	78
SB 913	(Hertzberg) School districts: operations.	78
SB 1380	(Judiciary) Maintenance of the codes.	78

## **ATTORNEY GENERAL - ENFORCEMENT AND OVERSIGHT**

**AB 598 (R. Rivas) Unflavored tobacco list.** This bill would have required the Attorney General to establish and maintain on the Attorney General's internet website a list of tobacco product brand styles that lack a characterizing flavor, as specified. The bill would also have required any manufacturer or importer of unflavored tobacco to consent to the jurisdiction of the California courts for the purpose of enforcing the bill's provisions and to appoint an agent for service of process. Finally, the bill would have authorized the Attorney General to recover reasonable attorney's fees, investigative costs, and other related costs, against an entity that makes a clearly frivolous submission to the Attorney General for inclusion on the list. Status: Dead, Asm Health.

**AB 900 (Reyes) Charitable trusts.** This bill requires a trustee holding assets subject to a charitable trust to give written notice to the Attorney General at least 20 days before the trustee sells, leases, conveys, exchanges, transfers, or otherwise disposes of all or substantially all of the charitable assets. Status: Chap. 708, Stats. 2021.

**AB 1742 (R. Rivas) Tobacco settlement.** This bill makes several modifications to update the Cigarette and Tobacco Products Tax Law and associated directory of tobacco product manufacturers that have submitted compliant certifications with a settlement of a lawsuit related to state-level tobacco related healthcare costs. The bill vests authority in the Attorney General to seek civil penalties for entities that violate the provisions of the bill. Status: Chap. 454, Stats. 2022.

**AB 2520 (Gabriel) Department of Justice: Office of Access to Justice.** This bill would have established an Office of Access to Justice in the California Department of Justice, modeled on a successful federal Obama-era initiative, to expand access to justice for low-income people. Status: Vetoes.

## **ATTORNEYS AND RELATED MATTERS**

### *Attorneys and Related Services*

**AB 1916 (Chen) Legal document assistants and unlawful detainer assistants.** This bill would have extended the sunset date for provisions of existing law authorizing legal document and unlawful detainer assistants to practice their professions in California. Status: Dead, Asm Judiciary.

**AJR 12 (Stone) Veterans' educational benefits.** This resolution requests that the United States Congress address provisions in the federal "GI Bill" related to law schools that presently prohibit federal veterans' educational benefits from being provided for attendance at non-American Bar Association law schools, including institutions deemed a California accredited law school by the State Bar of California. Status: Res. Chap. 118, Stats. 2021.

**SB 774 (Hertzberg) Lawyer-client privilege: Department of Fair Employment and Housing.** As heard by this Committee, in order to facilitate the work of the California Office of Civil Rights (formerly the Department of Fair Employment and Housing), this bill would have clarified that the lawyer-client privilege applied to all confidential communications of the department's lawyers with complainants and other persons on whose behalf the Office filed a complaint and would have required complainants to assert the privilege on behalf of the Office. The bill was subsequently amended to deal with emotional support dogs. Status: Chap. 550, Stats. 2022.

## *State Bar*

**AB 2958 (Committee on Judiciary) State Bar annual fees and oversight.** This bill authorizes the State Bar to collect annual license fees of \$390 for active licensees for 2022. The bill makes various changes to enhance the State Bar's main priority of public protection, including requiring the State Bar to comply with existing notice requirements related to a data breach of confidential information and limiting the State Bar's work on a regulatory sandbox and licensing of non-attorneys. This bill requires the State Auditor to evaluate each program or division of the State Bar receiving support from the annual State Bar licensing fees and other fees required of active and inactive licensees. Status: Chap. 419, Stats. 2022.

**SB 211 (Umberg) State bar: attorneys' annual license fees, discipline system review, and general oversight.** This bill sets the 2022 annual licensing fees for attorneys in California, requires the State Auditor to audit the State Bar's discipline system, requires the State Bar to develop case processing standards, codifies the Legal Services Trust Fund Commission, and revises the definition of "civil legal services" for purposes of eligible work by qualified legal services organizations and support centers. Status: Chap. 723, Stats. 2021.

**SB 498 (Umberg) Funds for the provision of legal services to indigent persons: eligibility criteria for services.** This bill increases the income limit for free legal services funded by grants administered by the State Bar of California from the current 125 percent of the federal poverty line (FPL) to 200 percent of the FPL, and exempts compensation to veterans for service-related disabilities from this income calculation. Status: Chap. 688, Stats. 2021.

## **CIVIL PRACTICE AND PROCEDURE**

### *Civil Procedure*

**AB 287 (Quirk) Civil actions: statute of limitations.** This bill creates a three-year statute of limitations on civil actions for violations arising from a person engaging in unlicensed cannabis activities, extending the current one-year statute of limitations. Status: Chap. 264, Stats. 2021.

**AB 514 (Ward) Injunctions: undertakings: sexually explicit material.** This bill exempts a person who is a victim of unlawful distribution of sexually explicit material and is seeking an injunction from having to post an undertaking, or bond to cover certain damages that the party enjoined may sustain by reason of the injunction. The bill also alters the knowledge threshold that makes a person liable for distributing sexually explicit materials, and allows a victim of the distribution of sexually explicit material to serve notice on a redistributor to cease distributing the material. Status: Chap. 518, Stats. 2021.

**AB 621 (R. Rivas) California Environmental Quality Act: streamlined environmental review: standard of review: hospitals.** This bill would have provided for an expedited 270-day court review of all litigation under the California Environmental Quality Act for projects to construct a new hospital project or hospital expansion or modernization project if the construction project qualified as an environmental leadership hospital project, as specified. Status: Dead, Asm Nat Resources.

**AB 693 (Chau) Proposition 65: enforcement.** This bill would have modified several procedural requirements for both the filing and settling of lawsuits related to Proposition 65, including adopting a

14-day right to cure period upon the commencement of litigation. Status: Dead, Asm Environmental Safety and Toxic Materials.

**AB 919 (Grayson) Construction defects: actions: statute of limitations.** This bill would have shortened the statute of limitations for filing construction defect claims against a nonprofit housing corporation, who utilized a skilled and trained workforce to construct a residential development, from ten years to five years. Status: Dead, Asm Judiciary.

**AB 930 (Levine) Subsurface installations: attorney's fees and costs.** This bill provides reasonable attorney's costs and fees to a prevailing subsurface excavator who is found to, generally, not be at fault for damaging a subsurface installation due to errors on the part of the operator who owns, and is legally responsible for labeling the location of, the subsurface equipment. Status: Chap. 173, Stats. 2021.

**AB 1143 (Berman) Civil procedure: restraining orders.** This bill provides that in lieu of personal service of a petition for a civil harassment restraining order, a court may authorize another method of service that is reasonably calculated to give actual notice to the respondent, if a respondent's address is unknown and the court determines that a petitioner made a diligent effort to accomplish service. The bill then allows the court to prescribe the manner in which proof of service must be made. Status: Chap. 156, Stats. 2021.

**AB 1277 (Rubio) California Environmental Quality Act: student housing development projects: expedited judicial review.** This bill would have provided for an expedited 270-day court review of all litigation under the California Environmental Quality Act for projects proposed by a public university to construct student housing, as specified, within two miles of the boundary of the university campus. Status: Dead, Asm Nat Resources.

**AB 1455 (Wicks) Sexual assault by law enforcement officers: statute of limitations.** This bill exempts from all government claims requirements a claim arising out of an alleged sexual assault, as defined, by a law enforcement officer if the alleged assault occurred on or after the plaintiff's 18th birthday and while the officer was employed by a law enforcement agency. The bill requires the claim to be commenced within the later of either 10 years after the date of judgment against a law enforcement officer in a criminal case, or 10 years after the law enforcement officer is no longer employed by the law enforcement agency. The bill also revives a claim seeking to recover damages arising out of a sexual assault by a law enforcement officer if the alleged sexual assault occurred on or after the plaintiff's 18th birthday as long as the claim has not been settled or litigated to finality. Status: Chap. 595, Stats. 2021.

**AB 1574 (Committee on Jobs, Economic Development, and the Economy) Public contracts: small business liaisons and advocates and disabled veteran business enterprises: preferences.** This bill enacts the Leveraging State Procurement for an Inclusive Economic Recovery Act of 2021, and makes various changes to California's certified small and microbusiness, Disabled Veteran Business Enterprise and Target Area Contract Preference Act programs, including enhanced public promotion of the programs, authorizing specified public entities to bring a civil action for a violation involving a knowingly fraudulent representation, and expanding and clarifying the Target Area Contract Preference Act. Status: Chap. 756, Stats. 2021.

**AB 1774 (Seyarto) California Environmental Quality Act: water conveyance or storage projects: judicial review.** This bill would have required the Judicial Council to adopt rules of court applicable to

actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects. Status: Dead, Asm Natural Resources.

**AB 1935 (Grayson) California Environmental Quality Act: redevelopment: Concord Naval Weapons Station.** As originally referred to this Committee, this bill would have altered the California Environmental Quality Act review process for the Concord Naval Weapons Station in several laws. Provisions related to court timelines were later removed from the bill, and as a result, the measure was not heard in this Committee. Status: Dead, Sen Environmental Quality.

**AB 2091 (Bonta) Reproductive health and privacy.** This bill prohibits the validation of foreign subpoenas pertaining to foreign penal civil actions. It prohibits the sharing of specified information in response to subpoenas related to out-of-state anti-abortion statutes or foreign penal civil actions. The bill authorizes the Insurance Commissioner to issue civil penalties against health insurers who violate the confidentiality of an insured's medical information. This bill also prohibits prison staff from disclosing identifying medical information related to an incarcerated person's right to seek and obtain an abortion when the requested information is based on an out-of-state anti-abortion statute or foreign penal civil action. The bill declares that it takes effect immediately as an urgency statute. Status: Chap. 628, Stats. 2022.

**AB 2421 (Rubio) Water: unlicensed cannabis cultivation.** This bill would have expanded the parties authorized to bring civil actions for the unlawful diversions of water and water pollution stemming from unlicensed cannabis growing operations to include city or county counsels. Status: Dead, Sen Natural Resources & Water.

**AB 2445 (Gallagher) California Environmental Quality Act: affordable housing: judicial review: bonds.** This bill would have made a clarifying cross reference in the Public Resources Code to a Code of Civil Procedure Section providing for the imposition of financial assurance in California Environmental Quality Act litigation when the plaintiff is deemed a vexatious litigant. Status: Dead, Asm Judiciary.

**AB 2743 (M. Fong) Proposition 65: enforcement: private actions.** This bill would have required a party seeking to file a private action to enforce Proposition 65 to provide notice of the private action to each alleged violator, and would require identical factual information sufficient to establish the basis of the certificate of merit to be attached to the certificate of merit served on the Attorney General and on each alleged violator. Status: Dead, Asm Environmental Safety & Toxic Materials.

**AB 2766 (Maienschein) Unfair Competition Law: enforcement powers: investigatory subpoena.** *See Damages and Civil Penalties.*

**AB 2777 (Wicks) Sexual assault: statute of limitations.** *See Damages and Civil Penalties.*

**AB 2791 (Bloom) Sheriffs: service of process and notices.** This bill requires that levying officers accept electronic submission of requests for service of process, beginning in 2024, for litigants with fee waivers and, beginning in 2026, for all other litigants. It also limits the officer or department's review of the submitted documents to specified criteria, to avoid departments readjudicating the validity of



documents previously approved by bench officers. The bill also directs the Judicial Council to develop a statewide form to be used by litigants in civil actions or proceedings to request service of process by the sheriff or marshal. Status: Chap. 417, Stats. 2022.

**AB 2959 (Committee on Judiciary) Childhood sexual assault claims.** This bill closes a loophole by exempting all claims of childhood sexual abuse from compliance with the presentation requirement of the Government Claims Act prior to initiating litigation, regardless of whether the claim is against a local or state entity. Status: Chap. 444, Stats. 2022.

**AB 2961 (Committee on Judiciary) Civil procedure: electronic filing and service.** This bill revised and recast the provisions of the existing law related to electronic filing and service of court documents. Status: Chap. 215, Stats. 2022.

**SB 33 (Cortese) California Environmental Quality Act: judicial and administrative proceedings: limitations.** This bill would have, among other things, tolled the limitations periods applicable to specified actions or proceedings seeking to attack, review, set aside, void, or annul specified acts or decisions of a public agency related to the California Environmental Quality Act until the date on which the public agency deposits in the mail or sends by electronic mail to the requestor a copy of the notice, including subsequent amendments. Status: Dead, Asm Natural Resources.

**SB 44 (Allen) California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.** This bill establishes, until January 1, 2025, an expedited 365-day judicial review of legal challenges, pursuant to the California Environmental Quality Act, for the first seven projects determined to qualify as an “environmental leadership transit project” located within the County of Los Angeles that meet specified requirements. Status: Chap. 633, Stats. 2021.

**SB 233 (Umberg) Appearance by phone.** As originally referred, this bill required the court to schedule within 30 days from the date of filing a hearing on a petition to compromise a minor’s disputed claim. These provisions were ultimately placed into SB 241 (Umberg), Chap. 214, Stats. 2021. As heard by the Committee, this bill repeals statutes related to telephonic appearances, thereby permitting telephonic appearances to be governed by the same statutes governing general remote appearances. Status: Chap. 979, Stats. 2022.

**SB 270 (Durazo) Public employment: labor relations: employee information.** *See Employment Rights.*

**SB 323 (Caballero) Local government: water or sewer service: legal actions.** This bill provides for a 120-day statute of limitations for challenges against water or sewer service rate setting and requires local agencies to include a statement that water and sewer rates have a 120-day statute of limitations in any written notice of a rate increase. It also clarifies that the 120-day period doesn’t apply to billing errors or similar incorrect charges, and provides that the 120-day period commences after final action or the effective date of the rate increase, whichever is later. Status: Chap. 216, Stats. 2021.

**SB 447 (Laird) Civil actions: decedent’s cause of action.** This bill authorizes a decedent’s personal representative or successor in interest to recover damages for a decedent’s pain, suffering, or disfigurement in an action or proceeding on the decedent’s cause of action if the action or proceeding was granted a preference pursuant to Section 36 of the Code of Civil Procedure before January 1, 2022, or was filed on or after January 1, 2022, and before January 1, 2026. The bill requires the plaintiff who recovers such damages to submit to the Judicial Council a copy of the judgment, consent

judgment, or court-approved settlement agreement, along with a cover sheet detailing specified information. Status: Chap. 448, Stats. 2021.

**SB 688 (Wieckowski) Civil actions: judgments by confession.** This bill provides that a judgment by confession is unenforceable and may not be entered in any superior court. However, the bill clarifies that it does not apply to judgments by confession obtained or entered before January 1, 2023. Status: Chap. 851, Stats. 2022.

**SB 762 (Wieckowski) Contracts.** This bill requires, in order to start the arbitration process, an arbitration services provider to transmit an invoice of their costs and fees to all parties in arbitration immediately after all proper documentation is received, thereby providing for a clear start date for the 30-day timeline for paying arbitration fees established in existing law. Additionally, this bill clarifies that any time specified in a contract of adhesion for the performance of an act required to be performed under the contract must be reasonable. Status: Chap. 222, Stats. 2021.

**SB 937 (Ochoa Bogh) Subpoenas: business records.** This bill would have authorized service by overnight delivery, facsimile transmission, or electronic means of deposition subpoenas seeking the production of business records. Status: Dead, Asm Judiciary.

**SB 1037 (Umberg) Civil discovery: oral depositions: conduct of deposition.** This bill requires participants in civil proceedings who elect to participate in deposition proceedings in person, rather than remotely, to comply with all local health and safety ordinances, rules, and orders. Status: Chap. 92, Stats. 2022.

**SB 1149 (Leyva) Civil actions: agreements setting actions involving public health or safety.** This bill would have limited the ability of litigants to enter into agreements or obtain court orders restricting the disclosure of factual information in civil cases involving a defective product or environmental hazard that has caused, or is likely to cause, significant or substantial bodily injury or illness or death. Status: Failed, Asm Floor.

**SB 1155 (Caballero) Liability claims: time-limited demands.** This bill enacts a statutory framework for processing time-limited demand claims arising out of occurrences covered by insurance policies. Status: Chap. 719, Stats. 2022.

**SB 1210 (Cortese) Obscene materials: attorney's fees.** This bill requires courts to award prevailing plaintiffs with attorney's fees and costs in any civil action where the plaintiff seeks damages, or equitable relief, against a party that distributes, benefits from, promotes, or induces another person to distribute obscene materials, including through electronic distribution. Status: Chap. 26, Stats. 2022.

**SB 1279 (Ochoa Bogh) Guardian ad litem: appointment.** This bill modifies the definition of a person who lacks legal capacity to make decisions regarding appointment of a guardian ad litem in a civil case. It also requires, when a party in a civil case already has a guardian or conservator of the estate, that an application to have a guardian ad litem appointed for that party satisfy specified requirements; and requires a proposed guardian ad litem to disclose any known or actual conflicts of interests in advance of the appointment. Status: Chap. 846, Stats. 2022.

### *Evidence*

**AB 2017 (Mathis) Evidence: hearsay: exceptions.** This bill would have expanded the exception to the hearsay rule for statements made by a child who is under 12 years of age and describing child

abuse or neglect to include a person with an intellectual disability who is describing such abuse or neglect. Status: Failed, Asm Public Safety.

**SB 836 (Wiener) Evidence: immigration status.** This bill reinstates the extra procedural safeguards implemented by SB 785 (Wiener, Chap. 12, Stats. 2018), excluding from a criminal action evidence about a person's immigration status that would otherwise be admissible, which were repealed on January 1, 2022. The bill, in a civil action, prohibits the disclosure of evidence of a person's immigration status in open court by a party or the party's attorney, except as specified. Status: Chap. 168, Stats. 2022.

**SB 965 (Eggman) Conservatorship: medical record hearsay.** *See Civil Commitment, Conservatorship and Guardianship.*

**SB 1171 (Caballero) Hearsay evidence: exceptions: medical diagnosis or treatment.** This bill would have created a new exception to the hearsay rule for statements made by a domestic violence victim describing any act, or attempted act, of domestic violence for the purposes of medical diagnosis or treatment. Status: Dead, Asm Public Safety.

## **CONTRACTS, BUSINESS AND COMMERCIAL MATTERS**

### ***Business and Consumer Protection***

**AB 371 (Jones-Sawyer) Shared mobility devices: insurance requirements.** This bill requires shared mobility devices, as defined, to include specified information in raised characters and Braille, as specified. It also requires the mandatory liability insurance maintained by the mobility device provider to cover injuries to a pedestrian, as specified. Status: Chap. 740, Stats. 2022.

**AB 587 (Gabriel) Social media companies: terms of service.** This bill requires social media companies, as defined, to post their terms of service on their websites and to submit quarterly reports to the Attorney General regarding their terms of service, their content moderation policies, and the outcomes of these policies. Status: Chap 269, Stats. 2022.

**AB 782 (Cooper) Congo Child Labor Act of 2021.** This bill would have enacted the Congo Child Labor Act of 2021 which prohibits a retail seller or manufacturer doing business in this state from selling or making a product containing 300 or more grams of cobalt with gross receipts of \$10 million or more per year unless it certifies, under penalty of perjury, that the cobalt is not mined or refined using child labor. Status: Dead, Asm A&AR.

**AB 790 (Quirk-Silva) Consumers Legal Remedies Act: home solicitations of seniors: Property Assessed Clean Energy financing.** This bill expands Consumers Legal Remedies Act provisions regulating home solicitations of seniors so that these provisions will also apply to Property Assessed Clean Energy (PACE) financing. Status: Chap. 589, Stats. 2021.

**AB 1084 (Low, C. Garcia) Gender neutral retail departments.** This bill requires a retail department store with 500 or more employees which sells childcare items or toys to maintain a gender neutral section or area, and subjects a retail department store that fails to comply with the requirement to a civil penalty, as specified, beginning on January 1, 2024. Status: Chap. 750, Stats. 2021.

**AB 1093 (Jones-Sawyer) Remote online notaries public.** This bill would have authorized the Secretary of State to register notaries public as remote online notaries public, and to adopt rules necessary to implement this registration. Status: Dead, Sen Judiciary.

**AB 1221 (Flora) Consumer warranties: service contracts: class of products: automatic renewal.** This bill allows the sale in California of service contracts that govern a class of products, rather than a single product, and that renew automatically until canceled, rather than covering a fixed term. However, vehicle service contracts may not be automatically renewed. Status: Chap. 452, Stats. 2021.

**AB 1287 (Bauer-Kahan, C. Garcia) Price discrimination: gender.** This bill prohibits any person or business entity from charging a different price for substantially similar goods if those goods are priced differently based on the gender of the individuals for whom the goods are marketed and intended. Status: Chap. 555, Stats. 2022.

**AB 1341 (C. Garcia, Aguiar-Curry) Dietary supplements for weight loss and by over-the-counter dietary pills: sale.** This bill sought to reduce the risks posed to consumers, particularly minors, by dietary supplements for weight loss and by over-the-counter dietary pills through regulating the sale of these products by retailers. Status: Vetoed.

**AB 1430 (Arambula) Pharmacy: dispensing: controlled substances.** *See Immunity, Scope of Liability and Related Issues.*

**AB 1661 (Davies) Human trafficking: notice.** This bill requires hair, nail, electrolysis, and skin care, and other related businesses or establishments subject to regulation pursuant to the Barbering and Cosmetology Act to post a notice in the establishment containing specified information about resources available to survivors of slavery and human trafficking. Status: Chap. 106, Stats. 2022.

**AB 2265 (Arambula) Dispensing controlled substances: lockable vials.** *See Immunity, Scope of Liability and Related Issues.*

**AB 2448 (Ting) Businesses: discrimination and harassment.** *See Civil Rights.*

**AB 2753 (Reyes) Communications: Digital Equity Bill of Rights.** This bill would have established the Digital Equity Bill of Rights, enumerating specific rights to broadband internet service for all Californians. The bill would also have required the California Public Utilities Commission to ensure that all residents of the state benefit from equal access to broadband internet service. Status: Held, Asm Appropriations.

**AB 2796 (E. Garcia) Unfair competition.** This bill would have expanded the definition of “person” under the Unfair Competition Law (UCL) to include federally recognized Indian tribes. Status: Dead, Asm Judiciary.

**AB 2834 (Kiley) Notaries public: certificate corrections.** This bill would have permitted a notary public to correct an error in a certificate attached to a grant deed, mortgage, deed of trust, or other instrument affecting real property if the error would have prevented a county recorder from recording the instrument. Status: Held, Asm Appropriations.

**SB 49 (Umberg) Corporate conversions.** This bill provides a process for a California corporation to convert into a business entity organized under the laws of another jurisdiction. Status: Chap. 237, Stats. 2022.

**SB 218 (Jones) Corporations: ratification or validation of noncompliant corporate actions.** This bill provides two mechanisms for a California corporation to ratify or validate an otherwise-lawful corporate action that was not in compliance with any provision of the following: the General Corporation Law; the corporation’s articles or bylaws; or a plan or agreement to which the corporation was a party at the time of the action. Status: Chap. 217, Stats. 2022.

**SB 288 (Jones) Corporations: conversions.** This bill would have provided a process for a California corporation to convert into a business entity organized under the laws of another jurisdiction. Status: Failed, Asm Judiciary.

**SB 343 (Allen) Environmental advertising: recycling symbol: recyclability: products and packaging.** This bill enhances the accuracy requirements regarding the use of the “chasing arrows” recycling symbol and better regulates when claims regarding recyclability can be made. The bill additionally provides that the improper use of the chasing arrows symbol may be deemed a violation of the state’s Unfair Competition Law, False Advertising Law, and Consumer Legal Remedies Act. Status: Chap. 507, Stats. 2021.

**SB 349 (Umberg) California Ethical Treatment for Persons with Substance Use Disorder Act.** This bill establishes the California Ethical Treatment for Persons with Substance Use Disorder (SUD) Act. The bill requires a SUD treatment provider to adopt a client bill of rights for persons receiving treatment for a SUD and to make the bill of rights available to all clients and prospective clients. This bill also imposes requirements, proscribes unlawful acts relating to marketing and advertising with respect to SUD treatment providers, and provides a civil penalty and other remedies for unlawful acts. Status: Chap. 15, Stats. 2022.

**SB 461 (Cortese) Unfair Competition Law: standing: counties.** This bill authorizes the county counsel of any county in which a city has a population in excess of 750,000 people to bring actions under the Unfair Competition Law (UCL). Status: Chap. 140, Stats. 2021.

**SB 633 (Limón) Consumer credit contracts: translations.** This bill requires a statutorily-prescribed notice to be provided to prospective cosigners of consumer credit contracts and vehicle leases in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean prior to signing the underlying contract. Status: Chap. 149, Stats. 2022.

**SB 1179 (Glazer) Electronic transactions: insurance.** This bill amends California’s Uniform Electronic Transactions Act so that it no longer excludes applications for Medicare Supplement Insurance policies regulated by the California Department of Insurance, thereby authorizing the use of electronic signatures in these transactions. Status: Chap. 39, Stats. 2022.

**SB 1186 (Wiener) Medicinal Cannabis Patients’ Right of Access Act.** This bill prohibits local governments from banning, or effectively banning, the delivery of medicinal cannabis to patients or their primary caregivers within their jurisdictions; makes the prohibition enforceable through an action for a writ of mandate; and exempts a local government’s adoption or repeal of a jurisdiction-wide ordinance regarding medical cannabis from the California Environmental Quality Act. Status: Chap. 395, Stats. 2022.

**SB 1202 (Limón) Business entities: Secretary of State: document filings.** This bill harmonizes a number of provisions of the Corporations Code in order to facilitate the Secretary of State’s implementation of the California Business Connect system. The bill also makes various other technical

and clarifying changes to statutes within the Secretary of State's purview. Status: Chap. 617, Stats. 2022.

**SB 1311 (Eggman, Atkins) Veterans: protections.** This bill strengthens a variety of existing consumer protections for military veterans and service members, including by expressly prohibiting businesses from conditioning military discounts on the service member or veteran waiving their rights under state or federal law. The bill also provides an additional penalty for violations of unfair competition prohibitions perpetrated against service members or veterans; prohibits improper electronic access or use of a Common Access Card (CAC) issued to a service member, or requiring a service member to log into a Department of Defense or Coast Guard Department of Homeland Security computer system; provides service members with the right to appear remotely in specified civil proceedings; and eliminates a loophole in existing law by providing that a security interest in personal property, other than an interest in a motor vehicle, is void and cannot be perfected if it would cause a loan procured by a covered member in the course of purchasing the personal property to be exempt from the requirements of the Military Lending Act. The bill also clarifies existing law under the Act that allows service members to defer payments on mortgages and other obligations during a deployment by making it clear that interest is not accrued on the deferred mortgage obligation during the period of deferment. Status: Chap. 620, Stats. 2022.

### *Vehicles*

**AB 1211 (Muratsuchi) Electric mobility manufacturers.** This bill would have established a framework for regulating transactions between consumers and electric mobility manufacturers, as defined, providing a consumer with the ability to become a member of an electric mobility vehicle program. The bill would have established minimum insurance, liability, and privacy requirements. Status: Dead, Asm Privacy and Consumer Protection.

**AB 1871 (Calderon) Vehicle history reports: source information.** This bill requires a vehicle history report to include contact information for the report's provider, which the vehicle owner can then use to submit inquiries to the provider, including requests to research any potential discrepancies in the information found in the report. Status: Status: Chap. 863, Stats. 2022.

**AB 2311 (Maienschein) Motor vehicle conditional sale contracts: guaranteed asset protection waivers.** This bill establishes rights and remedies for consumers who purchase guaranteed asset protection waivers (GAP waivers), financial products meant to cover the unpaid balances of car loans when a consumer's car is stolen and unrecovered, or declared a total loss. Status: Chap. 283, Stats. 2022.

**SB 361 (Umberg) Uniform Electronic Transactions Act: motor vehicle sales and leases.** As referred to this Committee, this bill amended California's Uniform Electronic Transactions Act so that it would no longer exclude conditional sale and lease contracts for motor vehicles, thereby authorizing the use of electronic contracts and electronic signatures in such transactions. The bill was subsequently amended to deal with surplus land in Anaheim. Status: Dead, Asm Inactive.

**SB 1398 (Gonzalez) Vehicles: consumer notices.** This bill prohibits manufacturers and dealers of passenger vehicles from describing or naming any partial driving automation feature in marketing materials using language that would imply that the feature allows the vehicle to function as an autonomous vehicle. It also prohibits manufacturers and dealers of passenger vehicles from selling a vehicle equipped with a partial driving automation feature or upgrading software that adds a partial

driving automation feature without providing a buyer or owner of the vehicle with a notice containing specified information about the feature. Finally, it requires a manufacturer of a passenger vehicle to provide information to dealers of passenger vehicles to comply with this notice requirement. Status: Chap. 308, Stats. 2022.

### ***Contracts***

**AB 272 (Kiley) Enrollment agreements.** This bill authorizes a minor to disaffirm a provision in an educational institution's enrollment agreement that purports to waive a legal right, remedy, forum, proceeding, or procedure, arising out of a criminal sexual assault or criminal sexual battery, as defined, of that minor, regardless of whether a parent or legal guardian has signed the enrollment agreement on the minor's behalf. Status: Chap. 146, Stats. 2021.

**AB 676 (Holden) Franchises.** This bill modifies provisions of the California Franchise Relations Act to prohibit contractual provisions waiving the applicability of the Act. It also makes other technical changes to existing franchise law. Status: Chap. 728, Stats. 2022.

**AB 891 (Cunningham) Contracts: consent by minors.** This bill provides that a representation by a minor that the minor's parent or legal guardian has consented to a contract shall not be considered too be consent for purposes of contractual formation under California law. Status: Chap. 28, Stats. 2021.

**SB 947 (Wilk) Whistleblowers: private entities awarded large state contracts.** This bill would have provided heightened whistleblower protections for private sector employees performing work on state government contracts worth \$5 million or more. Specifically, it would have extended the complaint process, investigatory procedures, anti-interference protections, anti-retaliation protections, reporting, and other remedies of the California Whistleblower Protection Act to employees of a private entity awarded a large state contract. Status: Dead, Asm Judiciary.

**SB 1247 (Hueso) Franchises.** This bill would have enhanced the disclosures that a franchisor is required to provide to California-based franchisees to include disclosures related to franchisor rebates and other benefits. Status: Vetoed.

**SB 1259 (Laird) Retail installment contracts.** As referred to this Committee, this bill would have required retail installment contracts to be printed in at least 12-point type. The bill was subsequently amended to authorize a pharmacist to furnish an opioid antagonist approved by the federal Food and Drug Administration, subject to certain requirements. Status: Chap. 245, Stats. 2022.

### ***Creditor-Debtor Relations***

**AB 424 (Stone) Private Student Loan Collections Reform Act.** In order to improve fairness of the collection process, this bill establishes standards for the documentation and evidence necessary to collect private student loan debts and file collection actions to recover such debts. Status: Chap. 559, Stats. 2021.

**AB 430 (Grayson) Proof of identity theft.** This bill allows a victim of identity theft to use a Federal Trade Commission (FTC) identity theft report, in lieu of a police report, when seeking to utilize civil protections under the Rosenthal Fair Debt Collection Practices Act, the Identity Theft Law, and the Penal Code. Status: Chap. 265, Stats. 2021.

**AB 1405 (Wicks) Fair Debt Settlement Practices Act.** This bill enacts the Fair Debt Settlement Practices Act, setting forth consumer protections for purchasers and prospective purchasers of debt settlement services and related payment processing services. Status: Chap. 454, Stats. 2021.

**AB 1580 (Committee on Judiciary) Enforcement of money judgment: debtor's examination: organizations.** This bill establishes procedures for identifying a natural person who must appear – and can be held accountable for failing to appear – at a debtor's examination on behalf of an organization, when that organization fails to specify someone else who will appear on its behalf. Status: Chap. 30, Stats. 2021.

**AB 1799 (Gallagher) Enforcement of money judgments: exemptions.** This bill would have altered the existing exemption from enforcement of a money judgment – for material that in good faith is about to be applied to the repair or improvement of a residence – so that it applies to the debtor's principal residence or domicile. Status: Dead, Asm Judiciary.

**SB 531 (Wieckowski) Rosenthal Fair Debt Collection Practices Act: required notices.** This bill amends the Rosenthal Fair Debt Collection Practices Act to require specified notices be provided to debtors when delinquent consumer debt is assigned for collection. The bill also provides debtors with the right to request certain information from debt collectors, and requires debt collectors to cease collection until they can provide this information. Status: Chap. 455, Stats. 2021.

**SB 956 (Wieckowski) Enforcement of money judgments: exemptions.** This bill simplifies the method of calculating the amount in a ScholarShare 529 college savings account that is exempt from seizure by creditors. Also clarifies that the Judicial Council need not adjust this exemption amount to account for inflation. Status: Chap. 25, Stats. 2022.

**SB 975 (Min) Debt: coerced debts.** This bill creates a process whereby survivors of domestic violence, survivors of elder or dependent adult abuse, and foster youth can be relieved of liability for debts they were coerced into entering. Status: Chap. 989, Stats. 2022.

**SB 1099 (Wieckowski) Bankruptcy: debtors.** This bill makes specific changes to the statutory exemptions that govern the minimum of property California debtors may retain if they file for bankruptcy. Status: Chap. 716, Stats. 2022.

**SB 1200 (Skinner) Enforcement of judgments: renewal and interest.** This bill reduces the post-judgment interest rate on money judgments for common medical and personal debts. It also restricts renewal of these money judgments to a single renewal, for a period of five years. Status: Status: Chap. 883, Stats. 2022.

**SB 1477 (Wieckowski) Enforcement of judgments: wage garnishment.** This bill alters applicable statutory formulas so as to protect a greater percentage of judgment debtors' earnings from wage garnishment. Status: Chap. 849, Stats. 2022.

## **COURTS AND RELATED MATTERS**

### *Courts*

**AB 618 (Choi) Payment options for criminal fines and fees.** This bill would have required that whenever a criminal defendant is assessed charges resulting from a criminal prosecution on or after



January 1, 2022, that the defendant is given the opportunity to pay the charge with a payment plan. Status: Held, Asm Appropriations.

**AB 716 (Bennett) Court access: remote access: media and public.** This bill specifies that court proceedings include remote access, as defined; that the court shall not exclude the public from physical access because remote access is available, unless it is necessary to protect the health or safety of the public or court personnel; that the court shall provide, as a minimum, a public audio stream or telephonic means by which to listen to the proceedings when the courthouse is physically closed, except when the law authorizes or requires the proceedings to be closed. Status: Chap. 526, Stats. 2021.

**AB 855 (Ramos) Judicial holidays.** This bill replaces Columbus Day with Native American Day as an approved judicial holiday. Status: Chap. 283, Stats. 2021.

**AB 1576 (Committee on Judiciary) Court lactation room access.** This bill, commencing July 1, 2024, requires the superior court to provide any court user with access to a lactation room in any courthouse in which a lactation room is also provided to court employees, as specified. The bill requires the lactation room for court users to be located within the court facility in an area that is accessible to the public or in any location that is reasonably accessible to the public using the court facility. The bill, except as provided, also requires the lactation room for court users to meet all of the requirements imposed upon an employer with respect to providing a lactation room for employees. Status: Chap. 200, Stats. 2022.

**AB 1865 (Bennett) Court fee waiver: water rights cases.** This bill would have provided for a fee waiver for parties in specified water rights cases when the party was brought into the litigation by another party. Status: Held, Sen Appropriations.

**AB 2220 (Muratsuchi) Homeless courts pilot projects.** This bill would have established, until January 1, 2027, the Homeless Courts Pilot Program administered by the Judicial Council as a grant pilot program for eligible applicants to provide comprehensive community-based services to achieve stabilization for, and address the specific legal needs of, chronically homeless individuals involved with the criminal justice system. Status: Dead, Asm Appropriations.

**AB 2268 (Gray) Charles James Ogletree, Jr. Courthouse.** This bill renames the Merced County Superior Court's Main Courthouse as the Charles James Ogletree, Jr. Courthouse. Status: Chap. 410, Stats. 2022.

**AB 2290 (Carrillo) Unlawful detainer: civil case records: reports.** This bill would have sealed court records in unlawful detainer cases (i) for nonpayment of rent in which the defendant applied for COVID-19-related rental assistance, but was only approved for funding after judgment was entered against them; and (ii) under a provision of the Ellis Act. It would also have required counties to report certain data regarding unlawful detainer judgments on a monthly basis. Status: Dead, Asm Judiciary.

**AB 2962 (Committee on Judiciary) Court records.** As originally heard by the Committee, this bill would have required, by July 1, 2023, the California Commission on Disability Access to develop toolkits or educational modules that focus on construction-related accessibility violations in parking lots and exterior paths of travel, including a checklist for businesses to recognize the most common construction-related accessibility violations in those areas. As amended in the Senate, this bill would have prohibited a court that provides the public with remote access to its public court records from

charging a fee to search for, download, or copy those records. The bill also would have authorized a court to charge a fee to a commercial user for viewing, searching, duplicating, downloading, or printing public court records that are posted on a court's website in an electronic format. Status: Held, Sen Appropriations.

**ACR 9 (Gray) Dr. Charles James Ogletree, Jr. Courthouse.** This resolution would have called for the Superior Court of California, Merced Courthouse to be renamed the Dr. Charles James Ogletree, Jr. Courthouse Superior Court of California. Status: Dead, Asm Judiciary.

**SB 355 (Becker) Court fees and costs: eligibility for waiver.** This bill would have expanded the categories of persons eligible for a waiver of fees and costs charged by California courts. Recipients of unemployment compensation and participants in the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) would automatically receive waivers. In addition, the current household income eligibility level for a waiver would change from 125 percent of the federal poverty line to 80 percent of the area median income (AMI) for the county with the highest median income in California. Status: Dead, Asm Inactive.

**SB 1096 (Limón) Online tool: traffic violator school.** This bill prohibits a defendant's request in a traffic infraction case for an ability-to-pay determination through the online tool developed by the Judicial Council of California from impacting the defendant's eligibility to attend traffic violator school. Status: Chap. 191, Stats. 2022.

### *Court Reporting and Recording*

**SB 241 (Umberg) Civil actions.** This bill adopts numerous provisions related to remote court proceedings and court reporting. The bill provides the Court Reporters Board a method for permitting out-of-state deposition reporters to register with and be governed by the California Board; establishes a statutory framework for conducting court proceedings in civil cases through the use of remote technology, including requiring a court reporter to be physically present in the courtroom for most proceedings; extends the general rule that a trial continuance or postponement caused by the COVID-19 pandemic extends other case deadlines to arbitration continuances or postponements as well; requires, as of July 1, 2024, courts to electronically transmit documents issued by the court where parties have consented to, or are required to use, electronic service; and requires courts to hear minors' compromise petitions within 30 days of filing and to issue a decision at the conclusion of the hearing if the petition is uncontested. Status: Chap. 214, Stats. 2021.

**SB 848 (Umberg) Civil actions: parties and postponements.** This bill would have extended the sunset date of the provisions of law authorizing remote court appearances in civil cases and requires the Judicial Council of California to provide an annual report to the Legislature regarding the efficacy of remote appearance in court. Additionally, this bill would have prohibited the use of remote technology in specified quasi-criminal proceedings to protect due process. Status: Dead, Sen Concurrence.

### *Juries*

**AB 1452 (Ting) Pilot program: increased fee for low-income jurors: criminal trials.** This bill creates a pilot program in the San Francisco Superior Court, in conjunction with the City and County of San Francisco and their justice partners, to determine whether paying low-income jurors \$100 a day for their service on a criminal jury would lead to a more diverse panel of jurors. Due to time

constraints exacerbated by the COVID-19 pandemic, this bill was not referred to the Committee for a hearing pursuant to Assembly Rule 77.2. Status: Chap. 717, Stats. 2021.

**AB 1981 (Lee) Jury duty.** This bill updates the travel reimbursement levels for persons serving on a jury to provide for increased mileage reimbursement and promote the use of public transportation. Status: Chap. 326, Stats. 2022.

### *Judges*

**AB 1577 (Committee on Judiciary) Commission on Judicial Performance.** As heard by this Committee, this bill would have established a committee consisting of 15 members to study and make recommendations for changes in the operations and structure of the Commission on Judicial Performance (CJP) and required the report of recommendations to be completed no later than March 30, 2023. The bill was virtually identical to a provision within AB 143 (Committee on Budget), which was signed into law as Chap. 79, Stats. 2021. The bill was subsequently amended to be a Mark Stone bill to focus on the rights of legislative employees to collectively bargain. Status: Failed, Asm Public Employment & Retirement.

**AB 2313 (Bloom) Water: judges and adjudications.** This bill would have provided for enhanced judicial training and the expanded utilization of special experts to handle complex cases involving water law. Status: Held, Sen Appropriations.

## **FAMILY LAW, CHILDREN AND RELATED MATTERS**

### *Adoption*

**AB 746 (Cervantes) Adoption: stepparent adoption.** This bill clarifies that there is no minimum amount of time that a couple must be in a legally-recognized union before becoming eligible for stepparent adoption, and the parties cannot be required to provide verification of their income or education. Status: Chap. 199, Stats. 2021.

**AB 993 (Patterson) Adoption: parent-child relationship.** This bill would have made various changes to adoption law, including (1) the treatment of a provider of ova or embryos for use in assisted reproduction; (2) requiring a court, when considering the unfitness of a parent who has been convicted of a felony for purposes of determining whether to terminate parental rights, to consider the parent's criminal record; (3) expanding venue provisions for readoption of a nondependent child; and (4) expanding use of post-adoption contact agreements. Status: Held, Sen Appropriations.

**AB 2353 (Mathis) Guardian adoption.** This bill would have established simplified adoption procedures for a legal guardian who has been a child's legal guardian for more than one year. Among other provisions, the bill would have required the court to consider and review an investigative report conducted by a licensed clinical social worker, a licensed marriage and family therapist, a licensed professional clinical counselor, or a private licensed adoption agency selected by the petitioner, or by a probation officer, a qualified court investigator, or the county welfare department, as appointed by the court. Status: Dead, Asm Judiciary.

**AB 2495 (Patterson) Parent-child relationship.** This bill makes multiple changes to adoption and family law in California, including: (1) changing the rules for determining whether an embryo donor is an intended parent; (2) specifying what a court must consider when determining whether to terminate the parental rights of an unfit parent; (3) expanding the use of post-adoption contact agreements; and

(4) expanding venue options for step-parent adoptions and readoptions of children adopted in other countries. Status: Chap. 159, Stats. 2022.

**AB 2845 (Patterson) Parent-child relationship.** This bill would have expanded the use of post-adoption contact agreements to maintain ties between an adopted child and their birth family and specified what a court must consider before ruling on a petition to terminate parental rights. Status: Vetoed.

### *Children*

**AB 260 (Stone) Guardianships.** *See Civil Commitment, Conservatorship and Guardianship.*

**AB 421 (Ward) Change of gender and sex identifier.** *See Personal Rights.*

**AB 546 (Maienschein) Dependent children: documents: housing.** This bill adds information regarding housing assistance to the list of information that a county welfare department must provide to a foster youth and must report to the juvenile court at the review hearing prior to a foster youth's 18th birthday and at every regularly scheduled hearing thereafter. Status: Chap. 519, Stats. 2021.

**AB 549 (Gipson) Nonminor dependents.** This bill would have allowed a court, until January 1, 2023, to hold a dispositional hearing for a youth who is subject to dependency jurisdiction of the juvenile court, but who turned 18 prior to disposition of the dependency petition, provided the youth consented. Status: Held, Asm Appropriations.

**AB 670 (Calderon) Child abuse or neglect: minor and nonminor dependent parents.** This bill provides additional support and protections to parents under the jurisdiction of the juvenile court, including (1) requiring, when a report alleging abuse or neglect of the child of a dependent or nonminor dependent is made, the agency that received the report to notify the youth's dependency counsel within 36 hours of the report; (2) providing that the provisions governing denial of reunification based on a sibling or half sibling of the child do not apply if the only times the court ordered termination of reunification services or severed parental rights occurred while the parent was under the jurisdiction of the juvenile court; (3) requiring a social worker or probation officer to use a strengths-based approach to supporting a minor or nonminor dependent parent in providing a safe and permanent home for their child; and (4) prohibiting an investigation from being conducted for the child of a minor parent or nonminor dependent parent unless a report has been made pursuant to the Child Abuse and Neglect Reporting Act. Status: Chap. 585, Stats. 2021.

**AB 674 (Bennett) Dependent children: CalFresh documents.** This bill requires, as part of the report a county welfare department must make to a juvenile court judge before a foster youth reaches age 18, the department to verify that it has provided the youth with written information regarding CalFresh benefits. Status: Chap. 524, Stats. 2021.

**AB 788 (Calderon) Dependent children: reunification.** This bill clarifies the meaning of "resisted" for the purposes of existing law that enables a juvenile dependency court to deny reunification services to a parent who has a history of drug or alcohol abuse and has resisted court-ordered treatment. This bill specifically provides that "resisted" means that a parent refused to participate meaningfully and does not include "passive resistance," as defined. Status: Chap. 201, Stats. 2021.

**AB 829 (Levine) Foster care: immigration counsel.** *See Immigration Issues.*

**AB 841 (Cunningham) Dependent children: noncustodial parent.** This bill prohibits a child from being found to be within the jurisdiction of the juvenile court due solely to the failure of the child's parent or alleged parent to pursue court orders seeking custody of the child. Status: Chap. 98, Stats. 2021.

**AB 1140 (R. Rivas) Foster care: rights.** This bill clarifies that the duties of the California Department of Social Services include protecting the rights of children who are in state-licensed foster facilities and homes while in the custody of the Office of Refugee Resettlement of the federal Department of Health and Human Services. The bill also clarifies that the duties of the Office of the State Foster Care Ombudsperson include investigating and attempting to resolve complaints made by or on behalf of these same children. Status: Chap. 297, Stats. 2021.

**AB 1318 (Stone) Change of name and gender: minors.** *See Personal Rights.*

**AB 1686 (Bryan) Child welfare reunification: presumption against child support enforcement.** This bill establishes a presumption that, when a child is in foster care, requiring the parent or guardian to pay child support for the child is likely to impose a barrier to the family's efforts to reunify. Status: Chap. 755, Stats. 2022.

**AB 1735 (Bryan) Foster care: rights.** This bill clarifies that foster youth have the right to be provided a copy of the Foster Youth Bill of Rights in their primary language. It also requires that, when a foster youth is entitled to receive a copy of their court report, case plan, or transitional independent living plan, those items must be provided in the youth's primary language. Status: Chap. 405, Stats. 2022.

**AB 1794 (Gipson) Post-adoption contact agreements: reinstatement of parental rights.** This bill would have enhanced post-adoption contact agreements for children who have been in the child welfare system and their siblings, and expanded instances when their birth parent's rights may be reinstated, provided it is in the children's best interest. Status: Vetoed.

**AB 1950 (Ramos) Child welfare: Indian children.** This bill would have authorized an Indian child's tribe to participate by telephone or other remote appearance options in proceedings in which the Indian Child Welfare Act (ICWA) would apply, and would authorize the method of appearance to be determined by the court, as specified. The bill would have prohibited fees from being charged for remote access for court appearances established under these provisions. This bill would also have established the Cal-ICWA County Accountability System Evaluation Program to be administered by the State Department of Social Services to measure a county's compliance with the ICWA and Cal-ICWA among their dependency cases involving an Indian child. Status: Dead, Asm Human Services.

**AB 2100 (Carrillo) Reunification services.** As referred to the Judiciary Committee, this bill would have permitted the juvenile court to order additional time for reunification services if the parent or guardian of a dependent child had not been provided with reasonable reunification services. As amended, this bill required the Department of Social Services to apply for federal waivers, and if granted, expand the Restaurant Meals Program (RMP) to include all CalFresh recipients and would have expanded the types of places that the RMP can be used. Status: Dead, Sen Appropriations.

**AB 2159 (Bryan) Dependent children: reunification services.** This bill prohibits a dependency court from denying family reunification services to a parent or guardian who is in custody before conviction and requires the court, in determining the appropriate reunification services for the parent or guardian in custody, to consider the particular barriers to an incarcerated, institutionalized, detained, or deported

parent's or guardian's access to those court-mandated services and ability to maintain contact with the child and document that information in the child's care plan. Status: Chap. 691, Stats. 2022.

**AB 2189 (Friedman) Dependent children: continuing jurisdiction.** This bill would have required verification that certain documents, information, and services have been provided to foster youth as they near aging out of foster care. Additionally, the bill required a court, if the youth agrees, to maintain jurisdiction over the youth, even after their 21<sup>st</sup> birthday, if they have not been provided with the required services, information, and documents prior to turning 21, as specified. This bill required assistance securing housing among the services that must be provided prior to the court ending jurisdiction over a nonminor dependent, and required that certain foster care benefits be paid directly to the youth, regardless of whether they are living in an approved placement. The bill also required the Department of Social Services to develop and implement automated payments for these purposes, as specified. Status: Vetoed.

**AB 2306 (Cooley) Foster care.** This bill would have expanded and modernized the Independent Living Program to include current and former foster youth up to 22 years of age, and, subject to an appropriation and federal approval, up to age 23, and expanded the services for which counties can provide stipends to assist youth with specified independent living needs to include former foster youth up to 25 years of age, as specified. Status: Vetoed.

**AB 2466 (Cervantes) Foster children.** This bill prohibits a placing agency, when placing a foster child, from declining to place a child with a resource family because of a resource family's or parent's actual or perceived sexual orientation, gender identity, or gender expression; and removes the term "hard to place children" from certain statutes. Status: Chap. 967, Stats. 2022.

**AB 2502 (Cervantes) Foster care.** This bill would have extended juvenile court jurisdiction and support to nonminor dependents who turn 21 years of age during a statewide state of emergency declared by the Governor, as specified. Status: Dead, Sen Appropriations.

**AB 2595 (Jones-Sawyer) Juvenile dependency: treatment of cannabis.** This bill requires the Department of Social Services to update all regulations, all-county letters, and other instructions relating to the investigation of alleged child abuse or neglect, in order to ensure the investigating social worker treats a parent's or guardian's use or possession of cannabis in the same manner they would treat a parent's or guardian's use or possession of alcohol and legally prescribed medication. Status: Chap. 260, Stats. 2022.

**AB 2663 (Ramos) Youth homelessness.** This bill would have required the Department of Social Services to establish a Youth Acceptance Project, or YAP, pilot program in order to increase permanency outcomes for LGBTQ+ and gender-expansive youth in up to five counties. Because the bill did not address court oversight, the Committee waived its hearing on this bill. Status: Vetoed.

**AB 2665 (Carrillo) Child welfare system: racial disparities.** This bill would have created a five-county pilot program to implement blind removal strategies in order to address racial disparities in the child welfare system. Status: Vetoed.

**AB 2866 (Cunningham) Dependent children.** This bill increases the standard of proof necessary to establish that a parent or legal guardian has been provided reunification services at all points in the dependency proceeding to clear and convincing evidence. Status: Chap. 165, Stats. 2022.

**AB 2945 (Arambula) Foster care: enrichment activities.** This bill would have established, upon an appropriation, the “California Foster Youth Enrichment Grant Pilot Program” to be administered by the Department of Social Services. The bill would also have allowed foster youth to use the grant money to participate in activities designed to enhance their skills, abilities, self-esteem, or overall well-being. This committee waived on this bill. Status: Dead, Asm Appropriations.

**SB 233 (Umberg) Compromise of minor’s disputed claim.** As originally referred, this bill required the court to schedule a hearing on a petition to compromise a minor’s disputed claim within 30 days from the date of filing and, if the petition were unopposed, the court would be required to enter a decision at the conclusion of the hearing. These provisions ultimately were placed into SB 241 (Umberg), Chap. 214, Stats. 2021. As heard by the Committee, this bill repeals statutes related to telephonic appearances, thereby permitting telephonic appearances to be governed by the same statutes now governing general remote appearances. Status: Chap. 979, Stats. 2022.

**SB 354 (Skinner) Placement of foster children: criminal background checks.** This bill adopts changes to the criminal background check process during the resource family approval (RFA) process for relatives of children placed in the child welfare system; permits the court to authorize placement of children with relatives in certain circumstances, regardless of the status of any criminal exemption or RFA; and, requires, no later than January 1, 2024, the Department of Social Services to submit a report to the Legislature related to criminal record exemptions as specified. Status: Chap. 687, Stats. 2021.

**SB 1085 (Kamlager) Dependency court jurisdiction.** This bill prohibits a child from being found to be suffering, or at substantial risk of suffering, serious physical harm or illness for purposes of placing the child under the jurisdiction of the juvenile court due solely to the family’s homelessness, indigence, or other conditions of financial difficulty, as specified; and clarifies that it is the intent of the Legislature that children should not be subjected to juvenile court jurisdiction or separated from their families, due to conditions of financial difficulty alone. Status: Chap. 832, Stats. 2022.

**SB 1090 (Hurtado) Family Urgent Response System.** This bill expands the definition of "current or former foster youth" for purposes of accessing the Family Urgent Response System (FURS) to include youth who have exited foster care for any reason, including, but not limited to, emancipation, a voluntary placement agreement, or placement in foster care and who is the subject of a petition filed pursuant to reports of abuse and neglect, and a child or youth placed in California pursuant to the Interstate Compact on the Placement of Children. Status: Chap. 833, Stats. 2022.

**SB 1300 (Durazo) Foster youth: Supplemental Security Income.** This bill would have made a number of changes intended to apply existing best practices for connecting eligible foster youth to Social Security Income benefits to nonminor dependents, including revising and expanding existing requirements. Status: Dead, Asm Appropriations.

### *Child Custody and Visitation*

**AB 2279 (Rubio) Custody disposition survey.** This bill would have required the Judicial Council to update the required custody disposition survey to collect specified information. The custody disposition survey would have collected data by county on custody disposition outcomes from mediators, child custody recommending counselors, and court files. The survey would also have been required to include specified details of about custody agreements. Status: Held, Asm Appropriations.

**SB 616 (Rubio) Child custody: child abuse and safety.** This bill would have increased and expanded ongoing domestic violence and child abuse educational requirements for judges, referees, commissioners, mediators, child custody recommending counselors, and evaluators involved in domestic violence and child custody proceedings; clarified that, when making child custody and visitation orders, the health, safety, and welfare of the child and the safety of all family members is paramount; and provided examples of prohibited family reunification services, which cannot be ordered as a part of a child custody or visitation proceeding, including reunification therapy, treatments, programs, workshops or camps that are predicated on cutting off a child from a parent with whom the child is bonded. Status: Dead, Sen Floor.

**SB 654 (Min) Child custody.** This bill requires a court that grants unsupervised visitation to a parent with a history of abuse, neglect, or substance abuse to state its reasons for doing so in writing or on the record; and provides that if a child addresses a court regarding custody or visitation, they generally must be permitted to do so without the parties being present. Status: Chap. 768, Stats. 2021.

### *Marriage*

**AB 583 (Davies, Chiu) Remote marriage license issuance and solemnization.** This bill provides, until January 1, 2024, for the use of remote technology, as defined, for the issuance, witnessing, and solemnization of marriage licenses, as specified. Status: Chap. 620, Stats. 2021.

### *Paternity and Child, Family and Spousal Support*

**AB 429 (Dahle) Parentage: access to records and court hearings.** This bill eliminates, as of January 1, 2023, provisions in existing law governing the confidentiality of proceedings and records under the Uniform Parentage Act, except in parentage cases involving assisted reproduction. Status: Chap. 52, Stats. 2021.

**AB 1926 (Choi) Voluntary declaration of parentage.** Effective January 1, 2024, this bill would have permitted a person to execute a voluntary declaration of parentage via electronic signature, and established related procedures and requirements relating to the electronic voluntary declaration of parentage form. Status: Vetoed.

**SB 454 (Bates) Child support: enforcement.** This bill would have increased the threshold for placement of a real or personal property lien for a child support obligor in arrears from one month of support to over \$1,000 or three months of support, whichever occurs first. The bill would also have required the Department of Child Support Services to adopt or amend regulations, including emergency regulations, necessary to implement the bill's provisions. Status: Held, Asm Appropriations.

**SB 946 (Jones) Child support payments.** This bill would have required a local child support agency to notify the court when the agency is providing services in specified child support cases and proceedings. Status: Dead, Asm Judiciary.

**SB 1055 (Kamlager) Child support enforcement: license suspension.** Effective January 1, 2025, this bill prohibits the Department of Child Support Services from seeking the denial, withholding, or suspension of a driver's license from low-income child support obligors. Beginning January 1, 2027, the restriction will apply only to noncommercial driver's licenses. Status: Chap. 830, Stats. 2022.



## *Domestic Violence*

**AB 277 (Valladares, Davies) Domestic violence: victims: address confidentiality.** *See Privacy Rights.*

**AB 611 (Quirk-Silva) Safe at Home: Homeowner Association documents.** This bill requires homeowner associations of common interest developments to accept and use, for all homeowner association (HOA) communications, the address designated by the Safe at Home program for Safe at Home participants who are HOA members. Status: Chap. 151, Stats. 2021.

**AB 887 (Levine) Domestic violence: restraining orders.** Upon an appropriation of funds, this bill requires all courts to accept petitions for domestic violence restraining orders and domestic violence temporary restraining orders that are submitted electronically and that there be no fee for filing these petitions electronically. Court responses must be remitted to the petitioner electronically, unless the petitioner elects to receive the documents by regular mail or pick them up from the court. The bill also requires that information about access to self-help services regarding domestic violence restraining orders be prominently visible on a court's internet website and requires the Judicial Council to develop or amend rules to implement this. Status: Chap. 681, Stats. 2021.

**AB 2369 (Salas) Domestic violence: attorney's fees.** This bill modifies the fee-shifting statute under the Domestic Violence Prevention Act to require a court to award attorney fees and costs to a prevailing protected party and permit a court to award attorney fees and costs to a prevailing party who was sought to be restrained if the court finds the petition was brought in bad faith. The bill requires the court, before it orders attorney's fees, to first determine that the party ordered to pay has, or is reasonably likely to have, the ability to pay. Status: Chap. 591, Stats. 2022.

**AB 2391 (Cunningham) Civil actions: vexatious litigants.** This bill enables a person protected by a domestic violence protective order to seek an order declaring the restrained person to be a vexatious litigant and imposing financial security requirements on that person when the restrained person has filed at least one meritless action against the protected person that harassed or intimidated the protected person. Status: Chap. 84, Stats. 2022.

**SB 24 (Caballero, Rubio) Domestic violence: information pertaining to a child.** This bill allows, effective January 1, 2023, an ex parte domestic violence restraining order (and, as a result, also an order after hearing) to include a provision restraining a party from accessing records regarding health care, education, daycare, recreational activities, or employment of a minor child of the parties. The bill also requires an "essential care provider" or a "discretionary services provider," as defined, to develop protocols to ensure that a restrained party is not able to access records or information pertaining to the child. Status: Chap. 129, Stats. 2021.

**SB 320 (Eggman) Domestic violence protective orders: possession of a firearm.** This bill codifies existing Rules of Court related to the relinquishment of a firearm and ammunition by a person who is subject to a civil domestic violence restraining order and requires courts to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm relinquishment order. Status: Chap. 685, Stats. 2021.

**SB 374 (Min) Protective orders: reproductive coercion.** This bill adds "reproductive coercion" as an additional example of coercive control which disturbs the peace of another and for which a restraining order may be granted under the Domestic Violence Prevention Act. The bill defines "reproductive

coercion" as controlling the reproductive autonomy of another through force, threat of force, or intimidation, which may include unreasonably pressuring the other party to become pregnant, deliberately interfering with contraception use or access to reproductive health information, or using coercive tactics to control, or attempt to control, pregnancy outcomes. Status: Chap. 135, Stats. 2021.

**SB 538 (Rubio) Domestic violence and gun violence restraining orders.** In order to give petitioners an additional option for how to file a petition, and parties and witnesses additional ways to appear for hearings, this bill facilitates the filing of a domestic violence restraining order (DVRO) and gun violence restraining order (GVRO) by allowing petitions to be submitted electronically and hearings to be held remotely. Status: Chap. 686, Stats. 2021.

**SB 935 (Min, Rubio) Domestic violence: protective orders.** This bill clarifies that certain protective orders issued under the Domestic Violence Protection Act may be renewed more than once. Status: Chap. 88, Stats. 2022.

**SB 1265 (Rubio) Domestic violence: child visitation.** This bill would have created a procedure where, if a person who is the subject of a restraining order also has court-ordered custody or visitation with children is arrested for or charged with a crime involving assaultive conduct or use of a weapon on another person, another party could file a request with the court for modification of the protective order. Upon receipt of the request, the court would have been required to immediately suspend the subject of the order's in-person contact and set a hearing within 15 days to rule on the request for order. Status: Dead, Asm Judiciary.

### *Family Law*

**AB 627 (Waldron) Recognition of tribal court orders: rights to retirement plans or deferred compensation.** This bill establishes a simplified procedure for a California superior court to recognize a tribal court order that gives a spouse, former spouse, child, or other dependent of a participant in a retirement plan or other plan of deferred compensation an assignment of all or a portion of the benefits payable. Status: Chap. 58, Stats. 2021.

**AB 1579 (Committee on Judiciary) Family law omnibus.** This technical clean-up bill updates cross-references in two sections of the Family Code. Status: Chap. 213, Stats. 2021.

**SB 1182 (Eggman) Family law.** This bill requires, effective January 1, 2024, a family court to provide referrals to resources for self-identified veterans appearing before the court, including information about how to contact the local Department of Veterans Affairs (CalVet). The bill also requires, when a self-identified veteran files their status on the Judicial Council's military service form, the Judicial Council to transmit a copy of the form to the CalVet, and requires CalVet to contact the veteran within a reasonable time. In addition, it requires, when a family court that finds the effects of a parent's, legal guardian's, or relative's mental illness are a factor in determining the best interest of the child for purposes of custody or visitation, the court to put its reasons for the finding on the record and provide the affected parent, legal guardian, or relative with a list of local resources for mental health treatment. Status: Chap. 385, Stats. 2022.

### **HEALTH CARE**

**AB 35 (Reyes) Civil damages: medical malpractice.** As originally heard by this Committee, this bill would have required a person or entity that operates a social media platform, as defined, to

conspicuously disclose whether the platform has a policy to address the spread of false information, the violation of which would have been enforceable via a civil action brought by the Attorney General or other public prosecutors. The bill was subsequently amended and heard by this Committee to address civil damages recoverable for injuries resulting from medical malpractice. Among other things, the bill removes the \$250,000 limit on noneconomic damages and recast provisions to include an action for injury against a health care institution. Status: Chap. 17, Stats. 2022.

**AB 381 (Davies, Petrie-Norris) Licensed facilities: duties.** This bill requires licensed residential alcoholism or drug abuse recovery or treatment facilities to maintain on their premises at least two unexpired doses of naloxone hydrochloride or other FDA-approved medication to treat opioid overdose, and have at least one staff member on the premises who knows the location of the naloxone and who has been trained on the administration of it. The bill further provides that a trained staff member who administers the opioid antagonist in good faith to a person appearing to experience an opioid-related overdose shall not be liable in a civil action or subject to criminal prosecution, except where the person acted with gross negligence or recklessness, or engaged in willful and wanton misconduct. As originally referred to this Committee, the bill expanded existing law. After being amended to conform with existing law and due to pandemic-related time limitations, the bill was removed from this Committee's jurisdiction. Status: Chap. 437, Stats. 2021.

**AB 662 (Rodriguez) Mental health: involuntary treatment: liability of emergency medical personnel dispatch and response.** *See Immunity, Scope of Liability and Related Issues.*

**AB 705 (Kamlager) Health care: facilities: medical privileges.** In order to prevent undue interference in the practice of medicine due to improper motives, including discrimination, profit or cost control, business or competition, or any other nonmedical motives, this bill would have prevented corporations and any other entity that are not licensed to practice medicine from interfering, controlling, or otherwise limiting a patient's medical care based on nonmedical reasons. Status: Dead, Asm Health.

**AB 1020 (Friedman) Hospital Fair Pricing Act: hospital debt collection.** This bill increases the income threshold for patients to qualify for hospital charity care and discount programs; transfers oversight of hospital fair pricing policies to the Department of Health Care Access and Information; adds requirements for debt collectors and debt buyers seeking to collect hospital debt; and makes other changes to California law meant to help inform patients about charity care and discount payment requirements and avoid debt collection litigation. Status: Chap. 473, Stats. 2021.

**AB 1132 (Wood) Health Care Consolidation and Contracting Fairness Act.** As referred to this Committee, this bill would have enacted the Health Care Consolidation and Contracting Fairness Act to regulate various practices with potentially anti-competitive effects in the health care market. The bill was subsequently amended to address standardization of certain Medi-Cal benefits. Status: Dead, Sen Health.

**AB 1234 (Arambula) Physician Orders for Life Sustaining Treatment forms.** This bill would have allowed an electronic signature to be used for the purposes of an advance health care directive and Physician Orders for Life Sustaining Treatment (POLST) form. The bill also would have required the California Health and Human Services Agency to create a statewide electronic POLST registry system for the purpose of collecting a patient's POLST information received from a health care provider or the provider's designee and disseminating the information therein to an authorized user. Status: Dead, Asm Health.

**AB 1810 (Levine) Pupil health: seizure disorders.** This bill authorizes a trained employee volunteer to administer emergency anti-seizure medication to a pupil upon the request of the parent; requires the development of state standards for the training; and requires the parent to provide specified information to the local educational agencies (LEAs), including a seizure action plan. The bill also protects a volunteer from being subject to professional review, liability in a civil action, or criminal prosecution for their acts or omissions in administering the emergency anti-seizure medication; and requires that each employee who volunteers will be provided defense and indemnification by the LEA for any and all civil liability. Status: Chap. 906, Stats. 2022.

**AB 2080 (Wood) Health Care Consolidation and Contracting Fairness Act of 2022.** This bill would have authorized the Attorney General to review and either consent, conditionally consent, or deny consent to transactions involving mergers, acquisitions, or other transfers of control or assets among health care entities for transactions above a threshold dollar value. It would also have banned certain anticompetitive terms from contracts among participants in California's health care market. Status: Dead, Sen Health.

**AB 2329 (Carrillo) Pupil health: mobile vision examinations.** This bill authorizes a local education agency (LEA) to enter into a memorandum of understanding with a nonprofit eye examination provider to provide eye examinations and eyeglasses to pupils at a schoolsite; requires schools to notify parents or guardians of the eye examinations and give parents and guardians the opportunity to opt out of the examinations; and provides civil and criminal liability for eye examination providers and LEAs. Status: Chap. 911, Stats. 2022.

**AB 2338 (Gipson) Healthcare decisions: surrogates.** This bill clarifies the order of priority for who is authorized to make a medical decision for a person who lacks capacity when the person has multiple pre-incapacity instructions (e.g., an advance health care directive and a power of attorney); and sets forth a list of persons who may be contacted for the purpose of making medical decisions on behalf of a person who lacks capacity when the person has not set forth instructions or preferences beforehand, provided that the person selected demonstrated special care and concern for the patient and is familiar with the patient's values, to the extent known. Status: Chap. 782, Stats. 2022.

**AB 2951 (Salas) Mobile mental health crisis response teams.** This bill would have required the Department of Health Care Services to establish a five-year, statewide pilot program to provide grants to cities that create mobile mental health crisis response teams and, among other things, would have required a grant funded mobile mental health crisis response team to be staffed by licensed clinicians who have the legal authority to take, or cause to be taken, a person into custody pursuant to specified provisions of the Lanterman-Petris-Short (LPS) Act. The referral of the bill was revised to eliminate the secondary referral to this Committee. Status: Held, Asm Appropriations.

**SB 349 (Umberg) California Ethical Treatment for Persons with Substance Use Disorder Act.**  
*See Business and Consumer Protection.*

**SB 744 (Glazer) Communicable diseases: respiratory virus information.** This bill would have required the California Department of Public Health to create a program that provides expedited release of specified health data during a declared public health emergency to only qualified researchers at bona fide research institutions of higher education and required researchers to keep all personal information confidential. Status: Held, Asm Appropriations.

## IMMIGRATION ISSUES

**AB 829 (Levine) Foster care: immigration counsel.** This bill requires a county to make best efforts to provide undocumented minors and nonminor dependents in foster care under the jurisdiction of the juvenile court with access to immigration legal services, which may be provided through outside providers. It also requires placing agencies to notify the attorney for a dependent child or nonminor dependent within five business days after learning the child or dependent is an undocumented immigrant. Status: Chap. 528, Stats. 2021.

**AB 937 (Carrillo, Kalra, Santiago) Immigration enforcement.** This bill would have eliminated the ability that law enforcement agencies have under existing law (the Values Act) to cooperate with federal immigration authorities by giving them notification of release for inmates or facilitating inmate transfers and to prohibit all state and local agencies from assisting, in any manner, the detention, deportation, interrogation, of an individual by immigration enforcement. Status: Failed, Sen Floor.

**AB 1096 (L. Rivas) Alien: change of terms.** This bill strikes the offensive and dehumanizing term "alien" from multiple California Code sections in which it is used to describe a person who is not a citizen or national of the United States, replaces it with other terms that do not include the word "alien," and makes other related nonsubstantive changes. Status: Chap. 296, Stats. 2021.

**AB 1708 (Kiley) Law enforcement: data sharing.** This bill would have repealed the California Values Act and required a law enforcement agency (LEA) to cooperate with federal immigration officials by detaining a person for an immigration hold and sharing information about the person's immigration status if the person had a qualifying criminal conviction or arrest. Status: Dead, Asm Public Safety.

**AB 1766 (Stone et. al.) Department of Motor Vehicles: identification cards.** *See Civil Rights.*

**AB 2193 (Gabriel) Civil representation: immigration status.** This bill prohibits programs providing legal services through grants from the Sargent Shriver Civil Counsel Act (Shriver Act) from discriminating on the basis of potential clients' citizenship or immigration status. The bill requires the Judicial Council to consider, when selecting programs for Shriver Act funding, to consider how the programs will meet this requirement. Status: Chap. 486, Stats. 2022.

**AJR 1 (Kalra) Abolition of U.S. Immigration and Customs Enforcement.** This resolution would have urged the 117th United States Congress to abolish U.S. Immigration and Customs Enforcement (ICE) and, on or before the abolition of ICE, to implement an orderly and just transfer of essential and basic legally required functions of ICE to other federal agencies in a manner that upholds values of due process, equality under the law, and family unity. Status: Dead, Asm Inactive.

**AJR 15 (McCarty) World Refugee Day.** This resolution recognizes June 20, 2021 as World Refugee Day. It urges the President and Congress to strengthen the international leadership role of the United States in addressing and preventing conflicts and aiding the displaced. It further urges Congress to make a bipartisan commitment to promote the safety, health, and well-being of refugees and displaced persons. Status: Res. Chap. 97, Stats. 2021.

**AJR 16 (Reyes) Federal immigration reform.** This resolution urges the President, Vice President, and the Congress of the United States to take a workable, humane, and just approach in solving our nation's broken immigration system. Status: Res. Chap. 116, Stats. 2021.

**AJR 34 (McCarty) World Refugee Day.** This resolution would have recognized June 20, 2022 as World Refugee Day, and urged the President and Congress to strengthen the international leadership role of the United States in addressing and preventing conflicts and aiding the displaced and to make a bipartisan commitment to promote the safety, health, and well-being of refugees and displaced persons. Status: Dead, Sen Judiciary.

**SB 452 (Gonzalez) Immigrant and Refugee Affairs Agency.** This bill would have established the Immigrant and Refugee Affairs Agency as a new Cabinet-level agency in state government. The agency's responsibilities would have included coordinating immigrant and refugee services among state agencies; assisting state agencies in evaluating the effectiveness and reach of their services; making policy recommendations to the Governor and Legislature; and coordinating with local immigrant affairs offices to maximize the impact of the services they provide. Status: Dead, Asm Appropriations.

**SB 836 (Wiener) Evidence: immigration status.** *See Evidence.*

**SJR 2 (Hueso) Federal immigration reform.** This resolution urges Congress and the President of the United States to work together to create a comprehensive and workable approach to improving the nation's immigration system. Status: Res. Chap. 118, Stats. 2021.

**SJR 14 (Allen) Ukrainian refugees.** This resolution describes the refugee crisis resulting from the recent Russian military assault on Ukraine, calls upon the federal government to facilitate the resettlement of Ukrainian refugees generally, and calls upon the Governor of California to aid in the resettlement of Ukrainian refugees within California. Status: Res. Chap. 89, Stats. 2022.

## **LIABILITY AND RELATED MATTERS**

### *Damages and Civil Penalties*

**AB 21 (Bauer-Kahan) Forestry: electrical transmission and distribution lines: clearance: penalties.** This bill would have established specified civil penalties for the violation of utility vegetation management requirements in the State Responsibility Area and would have created the Utility Accountability and Wildfire Prevention Fund to collect penalty revenues. Status: Dead, Asm Judiciary.

**AB 35 (Reyes) Civil damages: medical malpractice.** *See Health Care.*

**AB 453 (C. Garcia) Sexual battery: nonconsensual condom removal.** This bill expands the definition of sexual battery in the Civil Code to include nonconsensual condom removal. Specifically, the bill provides that a person who removes a condom and thereby causes contact between a sexual organ from which a condom has been removed and the intimate part of another person, without that person's consent, is civilly liable for sexual battery. Status: Chap. 613, Stats. 2021.

**AB 556 (Maienschein) Misuse of sperm, ova, or embryos: damages.** This bill establishes a private cause of action for damages against a person who misuses sperm, ova, or embryos in violation of Section 367g of the Penal Code. The bill provides for damages for a prevailing plaintiff, including actual or statutory damages. Status: Chap. 170, Stats. 2021.

**AB 818 (Bloom) Solid waste: premoistened nonwoven disposable wipes.** This bill provides for labeling requirements on specified nonwoven disposable products indicating whether the product

should not be flushed, and establishes civil enforcement for violations of the labeling requirement and a consumer education and outreach program. Status: Chap. 590, Stats 2021.

**AB 1007 (Carrillo) Forced or Involuntary Sterilization Compensation Program.** This bill would have established the Forced or Involuntary Sterilization Compensation Program, to be administered by the California Victim Compensation Board, to provide compensation to any survivor of the following: (1) a state-sponsored sterilization conducted pursuant to eugenics laws that existed in California between 1909 and 1979, and (2) any coercive sterilization performed on an individual under the custody and control of the Department of Corrections and Rehabilitation after 1979. AB 137 (Committee on Budget, 2021) contained identical provisions and was signed into law as Chap. 77, Stats. 2021. Status: Dead, Sen Appropriations.

**AB 1138 (Rubio) Unlawful cannabis activity: civil enforcement.** This bill provides an additional enforcement mechanism against unlicensed cannabis activities by establishing a civil penalty for a high-level person with control of decisions in a cannabis activity who knowingly aids and abets unlicensed cannabis activities, as defined, of up to \$30,000 per violation, with each day of unlicensed cannabis activity constituting a separate violation. The bill also specifies that the civil penalty may be sought by city attorneys and prosecutors, and county attorneys, in jurisdictions of 750,000, in addition to the Attorney General. Status: Chap. 530, Stats. 2021.

**AB 1371 (Friedman) Recycling: plastic: packaging and carryout bags: civil penalties.** This bill would have prohibited the use of single-use plastics in shipping envelopes, cushioning or void fill for packaging and transport. The bill also would have reestablished the in-store plastic bag collection requirement that expired in 2020. Finally, the bill would have authorized civil penalties for violations of both of the above provisions. Status: Failed, Asm Floor.

**AB 1594 (Ting, Gipson, Ward) Firearms: civil suits.** This bill establishes the “firearm industry standard of conduct,” which places a series of requirements on industry members and prohibits specified practices. The bill authorizes the California Attorney General, local governments, and survivors of gun violence to pursue legal action in California courts against manufacturers, importers and dealers of firearms who are irresponsible, reckless, and negligent in the sale or marketing of firearms in California. Status: Chap. 98, Stats. 2022.

**AB 1611 (Davies) Oil spills: potential casualties with submerged oil pipelines: vessels: reporting.** This bill would have required any potential casualty between a vessel and a submerged oil pipeline, as provided, to be treated as a threatened discharge of oil in waters of the state, required the vessel to report the potential casualty, and imposed a civil penalty for failure to make such a report of not less than \$10,000 and not more than \$1,000,000 for each violation, as provided. Status: Failed, Sen Judiciary.

**AB 1690 (L. Rivas) Tobacco products: single-use components.** This bill would have prohibited the selling, giving, or furnishing of single-use electronic cigarettes to a person in this state, and made a violation punishable by a civil fine. The bill would have exempted single use electronic cigarettes that received a marketing order from the United States Food and Drug Administration from this prohibition. Status: Dead, Asm Inactive.

**AB 1730 (Davies) Penal damages: veterans.** This bill adds veterans to the categories of persons who are eligible for treble damages in successful cases to redress unfair or deceptive acts or practices, or unfair methods of competition. Status: Chap. 78, Stats. 2022.

**AB 1788 (Cunningham, Valladares) Sex trafficking: hotels: constructive knowledge: civil penalty.** This bill creates civil penalties for hotels for instances of human trafficking that specified employees knew of, recklessly disregarded, or knowingly benefitted from and failed to report to either law enforcement or an appropriate victim services hotline within 24 hours. The bill authorizes civil penalties up to \$5,000 for violations. Status: Chap. 760, Stats. 2022.

**AB 1897 (Wicks) Solid waste: reporting, packaging, and plastic food service ware.** When heard in this Committee, this bill proposed a unique set of standards and civil penalties for refineries that discharge air pollutants in violation of existing air pollution control standards. The bill was subsequently amended to address the topic of solid waste. Status: Dead, Asm Concurrence.

**AB 2026 (Friedman) Recycling: plastic packaging.** This bill would have restored the in-store single-use plastic bag recycling program and eliminated specified single-use plastics in the shipping of consumer products. The bill also would have imposed civil penalties for violations of the above provisions. Status: Held, Sen Appropriations.

**AB 2102 (Jones-Sawyer) Cannabis: facilities used for unlawful purposes.** This bill would have enacted new enforcement tools and civil penalties that would have been available to state and local governments to punish those who knowingly lease property to unlawful cannabis operations. Status: Dead, Sen Judiciary.

**AB 2247 (Bloom) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and components: publicly accessible data collection interface.** This bill would have required the Department of Toxic Substances Control to contract with an existing multistate chemical data collection entity that is used by other states and jurisdictions to implement, by January 1, 2026, a publicly accessible data collection interface to collect information about PFAS substances and products. Provisions related to civil penalties were subsequently removed from the bill and the bill was therefore not heard by this Committee. Status: Vetoed.

**AB 2289 (Lee) Wealth tax: false claims act.** This bill would have imposed an annual tax at a rate of 1.5% of a resident's net worth in excess of \$1,000,000,000, established the Wealth Tax Advisory Council, and applied relevant provisions of the False Claims Act to claims, records, or statements made in relation to the tax imposed by the bill. Status: Dead, Asm Revenue and Taxation.

**AB 2323 (Levine) Insurance: covered communications.** This bill would have required the California Department of Insurance to post information about communications of the Insurance Commissioner (IC) and the IC's appointees, including senior legal counsel to the IC and interested parties, as specified. The bill further would have provided that a knowing violation of this bill's requirements by the IC or the IC's appointee would be punishable by a civil fine of up to \$7,500, plus attorneys' fees and costs to the prevailing party, at the discretion of the court. Status: Held, Asm Insurance.

**AB 2408 (Cunningham) Social media: child users.** This bill would have established a cause of action against a social media platform for its negligent use of any design, feature, or affordance causing a child user to become addicted to the platform. The bill's provisions would have been enforceable by public prosecutors. Status: Held, Sen Appropriations.

**AB 2571 (Bauer-Kahan) Firearms: advertising to minors: penalty recovered in civil action.** This bill prohibits "firearm industry members" from marketing or advertising firearm-related products to minors; and it authorizes public attorneys and injured plaintiffs to bring a civil action to enforce the



prohibition, obtain injunctive relief, and obtain either civil penalties, or, in some cases, damages for harms caused by a violation. Status: Chap. 77, Stats. 2022.

**AB 2650 (Arambula) Pools and spas: drowning prevention: home inspectors.** As referred to this Committee, this bill would have addressed, among other things, liability for inspection and disclosures of safety features regarding residential swimming pools. As subsequently amended, the bill would have addressed drowning prevention in elementary schools. Status: Dead, Asm Education.

**AB 2728 (Smith) Unlawful cannabis activity: penalties.** This bill would have increased the penalty for unlicensed commercial cannabis grows from three to four times the relevant licensing fee, and created an amnesty provision whereby a party penalized for an unlicensed grow would be able to waive the fee by submitting the appropriate licensing fee amount within 10 days. Status: Failed, Sen Judiciary.

**AB 2764 (Nazarian) Animals: commercial animal feeding operations and slaughterhouses.** This bill would have established a moratorium on commercial animal feeding operations, as defined. The bill also would have made any person that violated this prohibition civilly liable for a penalty in an amount not to exceed a sum of \$10,000 per violation per day. Status: Dead, Asm Agriculture.

**AB 2766 (Maienschein) Unfair Competition Law: enforcement powers: investigatory subpoena.** This bill gives city attorneys and county counsels of the largest cities and counties in California, who already have the power to prosecute unfair competition law cases, the investigative tools they need to investigate those cases, including the power to issue pre-litigation subpoenas. The bill also imposes special procedural rules for pre-litigation subpoenas issued by these public attorneys. Under the bill, the recipient of a subpoena would have the ability to file an objection and to meet and confer with the issuer of the subpoena. The bill also authorizes the recipient of the subpoena to petition the superior court for an order quashing or modifying the subpoena if, after meeting and conferring, the issuer and recipient cannot reach agreement about how to resolve the recipient's objection. Status: Chap. 698, Stats. 2022.

**AB 2777 (Wicks) Sexual assault: statute of limitations.** This bill allows specified claims for recovery of damages suffered as a result of sexual assault to be revived. Specifically, the bill revives two types of claims for sexual assault of an adult that otherwise would be barred solely because of the expiration of the applicable statute of limitations: 1) any claim seeking the recovery of damages suffered as a result of sexual assault alleged to have occurred on or after January 1, 2009 and commenced on or after January 1, 2019, as long as such claims are commenced no later than December 31, 2026; and 2) any claim seeking to recover damages suffered as a result of a *cover up* of a sexual assault, including a claim that was time-barred prior to January 1, 2023, as long as such claims are commenced during a one-year period from January 1, 2023, until December 31, 2023. Status: Chap. 442, Stats. 2022.

**AB 2826 (Muratsuchi) California Platform Accountability and Transparency Act.** This bill would have modified the California Platform Accountability and Transparency Act in a number of ways, including by requiring the Department of Technology to establish a process to solicit research guideline applications from researchers to identify qualified research projects; and requiring the department to issue specified regulations, including requiring platforms to make specified disclosures regarding the information those platforms share with qualified researchers. The bill also would have imposed prescribed civil penalties upon a platform or qualified researcher that violated these provisions, and would have exempted an individual who engaged in certain activities related to

qualified research projects from civil or criminal liability. Status: Dead, Asm Privacy & Consumer Protection.

**AB 2910 (Santiago) Nonvehicular air pollution: civil penalties.** This bill would have increased the civil penalties for the unlawful emission by a specified non-vehicle, permitted the recovery of attorney's fees related to litigation seeking to recover those penalties, and directed any moneys, above the costs of prosecution and other specified cost to the impacted community. Status: Dead, Sen Inactive.

**SB 53 (Leyva) Unsolicited images.** This bill creates a private right of action against individuals over the age of 18 who knowingly send unsolicited sexually explicit images. Recipients harmed by the receipt of such images are entitled to recover economic and noneconomic damages. For more egregious violations, where the plaintiff has expressly forbidden the sender from sending such images to them, an injured plaintiff is entitled to heightened penalties. Status: Chap. 504, Stats. 2022.

**SB 252 (Wiener) Toxicological testing on dogs and cats.** This bill would have prohibited testing facilities from conducting canine or feline toxicological experiments, unless required to do so by federal law, and would have imposed civil penalties upon any entity determined to have violated the prohibition. Status: Held, Asm Appropriations.

**SB 260 (Wiener) Climate Corporate Accountability Act.** This bill would have enacted the Climate Corporate Accountability Act and required large companies doing business in California to provide specified data related to the companies' greenhouse gas emissions to the Secretary of State and would have applied civil penalties for a failure to comply with the Act. Status: Dead, Asm Floor.

**SB 297 (Durazo) Subsurface installations: penalties.** This bill enhances the civil penalties for operators or excavators who cause damage to a gas or hazardous liquid pipeline subsurface installation that results in the escape of any flammable, toxic or corrosive gas or liquid, raising the penalty from \$10,000 to \$100,000 per violation. Status: Chap. 726, Stats. 2021.

**SB 301 (Skinner) Online marketplaces.** In an effort to make it more difficult for third-party sellers to sell stolen goods online, this bill requires, starting July 1, 2023, requires specified high-volume third-party sellers selling goods on online marketplaces to provide certain tax and payment information to the platform and certain contact information to consumers. The bill authorizes the Attorney General to seek civil penalties from an online marketplace or a third-party seller in violation of the bill's requirements. Status: Chap. 857, Stats. 2022.

**SB 501 (Wieckowski) Claims against public entities.** This bill extends the conditions under which certain injured parties who are minors, or who are physically or mentally incapacitated, are entitled to file untimely claims against public entities. Status: Chap. 218, Stats. 2021.

**SB 660 (Newman) Initiative, referendum, and recall petitions: compensation for signatures.** This bill would have prohibited a person from paying money or providing any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. The bill permitted the Attorney General, or a private person, acting as a qui tam plaintiff, to bring a civil action for a violation of this prohibition and imposed a monetary penalty, as specified. Status: Vetoeed.

**SB 703 (Hurtado) Diseased animals: laboratory services.** This bill requires the California Department of Food and Agriculture to establish a certification program for laboratories that test

samples from deceased animals, and imposes civil penalties on those laboratories that do not obtain proper certification and those laboratories that conduct tests outside of the provisions of this bill. Status: Chap. 495, Stats. 2021.

**SB 776 (Gonzalez) Safe drinking water and water quality.** This bill enhances and clarifies the enforcement authority provided to the State Water Resources Control Board to assist in the enforcement of the Safe and Affordable Drinking Water Act by, among other provisions, adopting a range of civil penalties designed to punish those falsifying information transmitted to the State Water Resources Control Board, deter misappropriating funds, and ensure that the State Water Resources Control Board can recover funding spent in violation of the law. Status: Chap. 187, Stats. 2021.

**SB 879 (Wiener) Toxicological testing on dogs and cats.** This bill prohibits the unnecessary testing of specified substances on dogs and cats when an alternative test method of testing has been scientifically validated and recommended by the Inter-Agency Coordinating Committee for the Validation of Alternative Methods. The bill also imposes civil penalties for any testing that occurs in violation of these provisions. Status: Chap. 551, Stats. 2022.

**SB 1076 (Archuleta) Lead-based paint.** This bill requires the California Department of Public Health to review and update regulations related to lead-related construction work to conform to the federal Environmental Protection Agency's Lead Renovation, Repair, and Painting Rule, and aligns civil penalties imposed on a contractor violating the regulations with federal law. Status: Chap. 507, Stats. 2022.

**SB 1256 (Wieckowski) Waste management: disposable propane cylinders.** This bill would have prohibited the sale of most disposable one-pound propane cylinders in California as of 2028, and would have applied civil penalties for any person who sold a propane cylinder in violation of this prohibition. Status: Vetoed.

**SB 1327 (Hertzberg, Portantino) Firearms: private rights of action.** This bill authorizes any resident of, or visitor to, California, other than an officer or employee of a state or local governmental entity in this state, to bring a civil action against any person who knowingly traffics illegal firearms and legal firearm parts in the state. Status: Chap. 146, Stats. 2022.

#### *Immunity, Scope of Liability and Related Issues*

**AB 247 (Ramos) COVID-19: immunity from civil liability.** This bill would have exempted a small business or nonprofit organization with 100 or fewer employees from liability for an injury or illness to a consumer, as defined, due to coronavirus (COVID-19) based on a claim that the consumer contracted COVID-19 while at that small business or nonprofit organization, or due to the actions of that small business or nonprofit organization. The bill would repeal these provisions on January 1, 2023. Status: Dead, Asm Judiciary.

**AB 315 (Stone) Voluntary stream restoration property owner liability: indemnification.** This bill, generally, requires the state to indemnify a landowner who volunteers to permit a state or federally funded streambed alternation or habitat restoration to occur on their property so long as the liability arises from the construction, design specifications, surveying, planning, supervision, testing, or observation of construction related to the project, the landowner plays no active role in the project, and specifies state permits are obtained by the project's proponents. Status: Chap. 580, Stats. 2021.

**AB 575 (Fong) Civil liability: prescribed burning activities: gross negligence.** This bill would have held that a private entity engaging in a prescribed burning activity supervised by a person certified as a burn boss is liable for damages to a third party only if the prescribed burning activity were carried out in a grossly negligent manner. Status: Dead, Asm Judiciary.

**AB 662 (Rodriguez) Mental health: involuntary treatment: liability of emergency medical personnel dispatch and response.** As heard by this Committee, this bill would have required the Health and Human Services Agency to convene a working group, no later than July 1, 2022, to examine existing dispatch and response protocols for providing emergency medical services to an individual evaluated and treated for a mental health disorder. The bill was later amended to address the State Fire Marshal and Emergency Medical Services Authority. Status: Chap. 575, Stats. 2022.

**AB 849 (Reyes) Skilled nursing facilities: intermediate care facilities: liability.** This bill clarifies that a licensee is liable for up to \$500 per violation when a current or former resident, or patient, or a specified legal representative of a resident or patient, of a long-term care facility brings a civil action against the facility for violation of any rights of the resident or patient as set forth in the Patient's Bill of Rights, or any other right provided for by federal or state law or regulation. Status: Chap. 471, Stats. 2021.

**AB 1182 (Stone) Online marketplaces: strict liability.** This bill, in any strict products liability action, would have made an electronic place that, by contract or other arrangement with one or more third parties, engaged in specified acts strictly liable for all damages proximately caused by a defective product purchased or sold through the electronic place. The electronic place's liability for selling the defective product would have been the same as a retailer's liability for selling the defective product in the retailer's physical store, regardless of whether the electronic place took physical possession of, or title to, the defective product. Status: Dead, Asm Judiciary.

**AB 1313 (Bigelow) COVID-19: immunity from civil liability.** This bill would have exempted a business, as defined, from liability for a person's injury or illness due to coronavirus (COVID-19) based on a claim that the person contracted COVID-19 while at that business, or due to actions of that business, if the business substantially complied with all applicable state and local health laws, regulations, and protocols. The bill would not have allowed this immunity to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business. Status: Dead, Asm Judiciary.

**AB 1430 (Arambula) Pharmacy: dispensing: controlled substances.** This bill would have required that certain prescription medications, specifically those listed in Schedule II or Schedule IIN of the federal Controlled Substances Act, be dispensed in a lockable vial with a code that is chosen, as a general rule, by the patient. The bill also would have exempted a person who prescribed a controlled substance dispensed in a lockable vial from liability for any adverse consequences resulting from the prescription medication being dispensed in a lockable vial, except when damages were caused by a defective product, or as the result of willful or wanton misconduct, recklessness, or gross negligence. Status: Held, Asm Appropriations.

**AB 1681 (Daly) Insurance: fraud prevention and detection.** This bill permits district attorneys to convene and/or participate in meetings with the Insurance Commissioner, insurance companies, and self-insured employers to discuss suspected, anticipated, or completed acts of insurance fraud, accompanied by a grant of conditional immunity to meeting participants for libel, slander, and other relevant causes of action. Status: Chap. 861, Stats. 2022.

**AB 1813 (Medina) State Athletic Commission Act: officers and personnel.** This bill clarifies that the Executive Officer of the State Athletic Commission is protected from liability for discretionary decisions in the same manner as all other state employees are under existing law, including the approval of contests and the assignment of officials for contests, and provides that this clarification is declaratory of existing law. Status: Chap. 177, Stats. 2022.

**AB 1906 (Stone) Voluntary stream restoration: property owner liability: indemnification: claims.** This bill provides for technical fixes to the claims payment process required by existing laws that provide for indemnification to private property owners for publicly-funded voluntary habitat restoration projects conducted by others on their property. Status: Chap. 325, Stats. 2022.

**AB 2260 (Rodriguez) Emergency response: trauma kits.** This bill requires certain public and private buildings to maintain a trauma kit on the building's premises. The bill provides immunity to persons supplying trauma kits, training others on use of trauma kits, and using trauma kits in emergencies. Status: Chap. 586, Stats. 2022.

**AB 2265 (Arambula) Dispensing controlled substances: lockable vials.** This bill would have required pharmacists, when dispensing specified prescription medications, to provide the medications in locked containers, except under specified circumstances. It also would have required manufacturers of the medications dispensed in lockable vials to reimburse the pharmacy for the cost of the lockable vials. Finally, it would have provided qualified immunity from liability to pharmacists if the lockable vial did not prevent unauthorized access or if a patient were not able to access their medication due to a lockable vial. Status: Held, Asm Appropriations.

**AB 2591 (Valladares) Homeless services: nonprofit charitable organizations: immunity from civil liability.** This bill would have exempted a nonprofit charitable organization, as defined, from civil liability for any injury occurring on its premises and resulting from the provision of services to homeless persons, unless the injury were the result of gross negligence or intentional misconduct. Status: Dead, Asm Judiciary.

**AB 2631 (O'Donnell) Government Claims Act.** This bill would have declared that a public entity is liable for an injury relating to the effects of that public entity's homelessness policies on another public entity. Status: Dead, Asm Local Government.

**AB 2874 (Cooley) Fire prevention: electrical utility facilities and maintenance: liability of contractors.** This bill would have provided that a person or entity that performs tree trimming or vegetation maintenance services, or specialty electrical contracting services under contract to an electrical utility, were not liable for any damage or injury resulting from a fire ignited by electrical utility facilities, except for damage or injury proximately caused by the contractor's negligence, gross negligence, or willful misconduct and that under no circumstance could a person or entity that performed tree trimming or vegetation management services be liable for any amount in excess of a mandatory ten million dollar (\$10,000,000) insurance policy. Status: Dead, Asm Utilities & Energy.

**SB 332 (Dodd) Civil liability: prescribed burning operations: gross negligence.** This bill provides that no person shall be is liable for any fire suppression or other costs incurred as the result of a prescribed burn, unless the burn is conducted in a grossly negligent manner, if specified conditions are met, including that a landowner or tribal organization has approved the prescribed fire on their land. Status: Chap. 600, Stats. 2021.

**SB 505 (Skinner) Civil law: firearms liability and insurance.** As originally referred, this bill would have required employers to attempt to consult with an employee to resolve a monetary obligation before resorting to third-party collection services. As amended and then heard by this Committee, this bill would have imposed strict liability on owners of firearms for each incidence of property damage, bodily injury, or death resulting from the use of their firearm (except when the owner of the firearm reports the firearm to local law enforcement as lost or stolen prior to the damage, injury, or death). It also would have required owners of firearms to obtain insurance to cover losses or damages resulting from the use of the firearm and to keep proof of insurance with the firearm. Status: Held, Asm Appropriations.

**SB 687 (Hueso) Emergency response: trauma kits.** This bill would have enacted the Tactical Response to Traumatic Injuries Act, requiring certain buildings constructed on or after January 1, 2022, with an occupancy of 200 or more to have at least six trauma kits on the premises of the building or facility. The bill also would have exempted a person using a trauma kit from liability for civil damages resulting from any acts or omissions in the rendering of emergency care with the kit if certain requirements were satisfied. Status: Held, Asm Appropriations.

**SB 926 (Dodd) Prescribed Fire Liability Pilot Program: Prescribed Fire Claims Fund.** This bill establishes the Prescribed Fire Liability Pilot Program to increase the pace and scale of prescribed fire and cultural burning; creates the Prescribed Fire Claims Fund to support coverage for losses from prescribed fires and cultural burning of up to \$2 million per claim; and requires the California Department of Forestry and Fire Protection to establish guidelines governing the pilot program. Status: Chap. 606, Stats. 2022.

**SB 1040 (Rubio) Insurance: restitution.** This bill authorizes the Insurance Commissioner to order an unlicensed respondent to provide restitution for any loss arising from the unlawful respondent's conduct, and, if the facts and equity permit, authorizes the Commissioner to issue an order of rescission enforceable on any person subject to the Commissioner's jurisdiction. Status: Chap. 540, Stats. 2022.

**SB 1173 (Gonzalez) Public retirement systems: fossil fuels: divestment.** This bill would have prohibited the Board of the Public Employees' Retirement System and the Teachers' Retirement Board of the State Teachers' Retirement System from making any additional or new investments or renewing any existing investments of public employee retirement funds into a fossil fuel company, and would have required the systems to liquidate investments in any fossil fuel company on or before July 1, 2027. The bill also would have indemnified retirement board members and other persons from liability associated with claims and losses due to the bill's provisions. Status: Dead, Asm Public Employment and Retirement.

**SB 1254 (Hertzberg) Drinking water: administrator: managerial and other services.** This bill provides limited liability protections to an administrator appointed by the State Water Resources Control Board for a designated, previously failing, water system from liability arising from the conduct of the previous operator of the water system. Status: Chap. 681, Stats. 2022.

## **CIVIL, CONSTITUTIONAL, AND PERSONAL RIGHTS**

### ***Civil Rights***

**AB 1000 (Ward) Fair Employment and Housing: housing status: fines, penalties, or charges.** This bill would have added housing status as a protected characteristic under both the employment and

housing provisions of the Fair Employment and Housing Act (FEHA). The bill would also have prohibited a “background check service provider,” as defined, from including in a background check any information about fines, penalties, or charges arising from certain enumerated characteristics commonly associated with being unhoused. Status: Dead, Asm Housing and Community Development.

**AB 1241 (Jones-Sawyer) Rental housing: applications: criminal records.** This bill would have amended the Fair Employment and Housing Act (FEHA) to regulate rental property owners’ use of criminal records when considering prospective applicants for rental housing. Status: Dead, Asm Housing and Community Development.

**AB 1372 (Muratsuchi) Right to temporary shelter.** This bill would have required every city - or every county in the case of unincorporated areas - to provide temporary shelter, mental health treatment, resources for job placement, and job training to a person who is unhoused and meets other specified criteria. The bill would have further provided such a person the ability to bring a civil action to enforce this right, with ensuing civil penalties placed in a fund for the creation of temporary shelters in the jurisdiction. Status: Dead, Asm Housing and Community Development.

**AB 1466 (McCarty, Bonta, Chiu) Real property: discriminatory restrictions.** This bill requires each county recorder’s office to establish a program to proactively identify, catalog, and redact any unlawfully discriminatory restrictive covenants in that county’s property records. The bill authorizes the imposition, if approved by the respective county board of supervisors, of a fee to fund the program. The bill also modifies the procedures for redacting such covenants to facilitate greater use of this procedure. Status: Chap. 359, Stats. 2021.

**AB 1467 (Cervantes) Students: sexual assault.** This bill requires college sexual assault counselors to be independent of the campus Title IX office and to be appointed based on specified qualifications. The bill authorizes the Chancellor of the California State University (CSU) system, when reviewing and updating executive orders relating to policies and protocols on handling incidents of sexual assault, to collaborate with designated persons and entities. Status: Chap. 556, Stats. 2022.

**AB 1766 (Stone et. al.) Department of Motor Vehicles: identification cards.** This bill amends the Vehicle Code to provide access to identification cards for undocumented applicants who can provide proof of their California residency. Status: Chap. 482, Stats. 2022.

**AB 2296 (Jones-Sawyer) Task Force to Study and Develop Reparation Proposals.** This bill would have extended the operations of the Task Force to Study and Develop Reparation Proposals (Task Force) for an additional year. The bill also would have made a variety of specified technical changes to the operations of the Task Force. Status: Vetoed.

**AB 2383 (Jones-Sawyer) Rental housing unlawful housing practices: applications: criminal history.** This bill would have amended the Fair Employment and Housing Act (FEHA) to regulate rental property owners’ use of criminal records when considering prospective applicants for rental housing. Status: Held, Sen Appropriations.

**AB 2448 (Ting) Businesses: discrimination and harassment.** This bill directs the Department of Fair Employment and Housing to establish a pilot program to recognize businesses for creating safe and welcoming environments free from discrimination and harassment of customers. Status: Chap. 315, Stats. 2022.

**AB 2662 (Kalra) Department of Fair Employment and Housing.** This bill codifies the principle, recognized by both state and federal courts, that the Department of Fair Employment and Housing (recently renamed the Civil Rights Department) must act in the public interest when performing its duties and exercising its powers, including when representing individual complainants in litigation. Status: Chap. 35, Stats. 2022.

**AB 2755 (Muratsuchi) Cities and counties: unhoused persons: reports and plans.** As referred to this Committee, this bill would have provided California residents with a right to housing or shelter, and obligated residents to use any housing or shelter made available to them. The right would have been limited by the actual existence of housing or shelter, as well as the funding needed to make such housing or shelter available for use. No right of action would have accrued based on the failure of a city, county, or city and county to make housing available. The bill was subsequently amended to require the California Interagency Council on Homelessness to make certain data available for public use through electronic means. Status: Held, Asm Appropriations.

**AJR 14 (Boerner Horvath) Title IX: 49th anniversary.** This resolution seeks to acknowledge the profound impact of Title IX of the Education Amendments of 1972 and to emphasize the importance of working together to achieve the goals set by Title IX of increased opportunities for girls and women in academics, sports, and other educational activities. Status: Res. Chap. 104, Stats. 2021.

**AJR 23 (Boerner Horvath) Title IX: 50th anniversary.** This resolution commemorates the 50th anniversary of the enactment of Title IX, a federal law that specifically states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance, and urges Californians to continue to work together to achieve the goals set by Title IX. Status: Res. Chap. 145, Stats. 2022.

**SB 2 (Bradford) Peace officers: certification: civil rights.** This bill grants new powers to the Commission on Peace Officer Standards and Training (POST) to investigate and determine peace officer fitness and to decertify officers who engage in “serious misconduct,” and creates an Advisory Board that is required to hold public meetings to review its findings after an investigation and make a recommendation related to POST based upon those findings. The bill also eliminates governmental immunity provisions for peace and custodial officers, or public entities employing peace or custodial officers, that are sued under the Tom Bane Civil Rights Act. Status: Chap. 409, Stats. 2021.

**SB 107 (Wiener) Gender-affirming health care.** In order to protect individuals seeking and providing gender affirming care in California, this bill enacts various safeguards against the enforcement of out-of-state anti-transgender laws, including by enhancing privacy protections for specified medical records, reforming choice-of-law statutes related to family law to ensure California law dictates cases involving children receiving gender-affirming care in California, and limiting law enforcement ability to participate in specified actions related to the enforcement of other states’ laws prohibiting the provision of gender-affirming healthcare. Status: Chap. 810, Stats. 2022.

**SB 272 (Laird) State government: gender-neutral terms: California Conservation Corps.** This bill updates numerous provisions of law that contain outdated gendered terms by replacing them with non-gendered pronouns. The bill also modifies eligibility rules for individuals participating in the California Conservation Corps. Status: Chap. 272, Stats. 2021.



**SB 352 (Eggman) The military: sexual harassment.** This bill establishes that an act of sexual harassment by a member of the active militia is punishable by specified military proceedings, or by a court-martial; requires the California Military Department to report aggregate annual statistics regarding the prevalence of sexual harassment in the department; and clarifies that crimes (including sexual crimes) committed while on active duty are not protected from civil or criminal liability. Status: Chap. 183, Stats. 2021.

**SB 363 (Leyva) Educational equity: government instruction conferences.** This bill, commencing January 1, 2023, exempts from specified provisions of the Sex Equity in Education Act, gender-segregated programs or activities of the American Legion or the American Legion Auxiliary related to their respective yearly Girls State and Boys State conferences and any promotion of, or selection of pupils for, any of those conferences by secondary educational institutions. In order for the exemption to apply, the conferences are required to comply with certain conditions, including requirements to provide substantially similar access for all participants to government officials and facilities; substantially similar programming, except as specified; an equal number of participation opportunities; and, for pupils who do not identify as either male or female or with their assigned birth gender, opportunities to participate in either conference. Status: Chap. 676, Stats. 2021.

**SB 647 (Laird) Unruh Civil Rights Act: service of process: Department of Fair Employment and Housing.** As referred to this Committee, this bill would have required anyone filing documents in court to send a copy of those documents to the Director of the California Department of Fair Employment and Housing if the matter at issue involved the violation, application, or construction of the Unruh Civil Rights Act or other specified civil rights laws. The bill was subsequently amended to deal with appointments in state civil service. Status: Dead, Asm Public Employment and Retirement.

**SB 807 (Wieckowski) Enforcement of Civil Rights: Department of Fair Employment and Housing.** This bill makes several modest procedural modifications to how the Department of Fair Employment and Housing enforces California's civil rights and anti-discrimination laws and changes certain deadlines and record retention periods to better conform with recent changes in the law. Status: Chap. 278, Stats. 2021.

**SB 866 (Wiener) Minors: vaccine consent.** This bill would have permitted, but not mandated, a minor who was 15 years of age or older to consent, without the consent of the parent or guardian of the minor, to vaccination as long as the vaccine that is i) approved by the United States Food and Drug Administration, and ii) meets the recommendations of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention. Status: Dead, Asm Inactive.

### *Constitutional Rights*

**AB 35 (Chau) Social media platforms: false information.** As originally heard by this Committee, this bill would have required a person or entity that operates a social media platform, as defined, to conspicuously disclose whether the platform has a policy to address the spread of false information, the violation of which would have been enforceable via a civil action brought by the Attorney General or another public prosecutor. The bill was subsequently amended and heard by this Committee to address civil damages recoverable for injuries resulting from medical malpractice. Among other things, the bill removes the \$250,000 limit on noneconomic damages and recast provisions to include an action for injury against a health care institution. Status: Chap. 17, Stats. 2022.

**AB 945 (Ramos) Adornments at school graduations.** This bill establishes a 10-member task force, convened by the State Department of Education, to gather certain information and develop recommendations for best practices, protocols, proposed legislation, and other policies that will address how to comprehensively implement all aspects of existing law related to wearing traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies. The bill requires the task force, on or before April 1, 2023, to submit a report to the Legislature on that information and those recommendations. Status: Chap. 285, Stats. 2021.

**AB 1114 (Gallagher) Social media platform: limited public forum.** This bill would have required a social media platform located in California to develop a policy addressing unprotected speech and demonstrably false information. As referred, the bill would have declared that a social media platform located in California is a traditional First Amendment forum. This latter provision was struck from the bill in this Committee's hearing on the bill. Status: Dead, Asm Arts, Entertainment, Sports, Tourism, and Internet Media.

**AB 1349 (Mathis) Broadband adoption account: religious organizations.** This bill would have added nonprofit religious organizations to the list of groups that are eligible for grant funding from the California Advanced Services Fund broadband adoption account. Status: Dead, Asm Concurrence.

**AB 1379 (E. Garcia) Political Reform Act: online platform disclosures.** This bill would have required an online platform to maintain and make available for online public inspection a description of the audience requested by a political campaign committee and the types of personal information, as defined, used by the online platform to target the advertisement of the political advertising, including by characteristics such as age, gender, race, or other protected classifications. Status: Dead, Asm Elections.

**AB 2879 (Low) Online content: students: cyberbullying.** This bill requires social media platforms to implement a mechanism for users and non-users to report instances of cyberbullying and to provide disclosures of these mechanisms and cyberbullying reporting procedures. Status: Chap. 700, Stats. 2022.

**ACR 83 (McCarty) Loving Day.** This resolution makes relevant findings and declarations and proclaims Saturday, June 12, 2021 as Loving Day, to be observed and celebrated as the official commemoration of the landmark Supreme Court decision, *Loving v. Virginia* (1967) 388 U.S. 1, which legalized interracial marriage throughout the United States. Status: Res. Chap. 75, Stats. 2021.

**ACR 197 (McCarty) Loving Day.** This resolution celebrates Loving Day by commemorating the United States Supreme Court decision in *Loving v. Virginia* (1967) 388 U.S. 1, which legalized interracial marriage in the United States. The resolution makes related declarations and findings. Status: Res. Chap. 102, Stats. 2022.

**HR 115 (Kalra) Sikhism.** This resolution recognizes the distinct cultural and ethnic identity of California's Sikh community. The resolution makes related declarations and findings. Status: Adopted.

**SB 1018 (Pan) Platform Accountability and Transparency Act.** This bill would have required social media platforms to publicly disclose statistics regarding how content identified as violating the platform's policies were recommended or amplified by the platform's algorithms. The bill imposed a civil penalty for failure to comply with the disclosure requirement. Status: Vetoed.

**SB 1056 (Umberg) Social media: violent posts.** This bill requires social media platforms to disclose to users how they may report violent posts to the platform, and authorizes a cause of action for a person who is the target of a violent post to seek a court order directing the platform to remove the content. Status: Chap. 881, Stats. 2022.

**SCR 92 (Leyva) The Equal Rights Amendment: the California Law Revision Commission: study.** This resolution directs the California Law Revision Commission to study, report on, and prepare recommended legislation to revise California law to reflect any changes necessary to implement the federal Equal Rights Amendment. Status: Res. Chap. 150, Stats. 2022.

**SJR 12 (Skinner) Equal Rights Amendment.** This resolution urges Congress to enact legislation specifying that the requirements to ratify the Equal Right Amendments have been met and that it should be adopted as the 28th Amendment to the United States Constitution. Status: Res. Chap. 113, Stats. 2022.

### *Disability Rights*

**AB 1990 (Arambula) DFEH: Californians with disabilities: workgroup.** This bill would have created a workgroup, convened by the Department of Fair Employment and Housing (DFEH), to study existing laws, policies, and problems impacting people with disabilities and to recommend ways to achieve or advance goals and priorities to, among other things, reduce barriers to full and equal participation in society and increase opportunities for success. Status: Held, Asm Appropriations.

**AB 2164 (Lee) Disability access: funding.** This bill removes the sunset on the additional fee of \$4 for a business license issued by a city, county, or city and county, currently scheduled to expire on January 1, 2024, making the fee permanent. The bill also allows the fee, authorized under existing law to be used for specified purposes related to disability access, to also be used to provide financial assistance to small businesses for construction to improve the business's accessibility. Status: Chap. 895, Stats. 2022.

**AB 2829 (Low) Certified Access Specialist Inspection Grant Program.** This bill, until January 1, 2028, would have established the Certified Access Specialist Inspection Grant Program to assist small businesses obtain CASp inspections, and would have required the State Architect to administer the program. The bill would have authorized small businesses, defined to mean businesses with fewer than 50 employees that have a physical presence in the state, to apply for a grant for a CASp inspection of the small business's property in an amount equal to the actual cost of the inspection, not to exceed \$3,000 per inspection. Status: Held, Asm Appropriations.

**AB 2917 (M. Fong) State law: disability access.** This bill requires information about disability access lawsuits based on the inaccessibility of internet websites to be reported by plaintiffs' attorneys to the California Commission on Disability Access (CCDA) and to be included by CCDA in its annual report to the Legislature. The bill also requires CCDA to develop toolkits or educational modules that focus on construction-related accessibility violations in parking lots and exterior paths of travel, including a checklist for businesses to recognize the most common construction-related accessibility violations in those areas, by January 1, 2024. Status: Chap. 897, Stats. 2022.

**AB 2962 (Committee on Judiciary) Construction-related accessibility.** As originally heard by the Committee, this bill would have required, by July 1, 2023, the California Commission on Disability Access to develop toolkits or educational modules that focus on construction-related accessibility

violations in parking lots and exterior paths of travel, including a checklist for businesses to recognize the most common construction-related accessibility violations in those areas. As amended in the Senate, this bill would have prohibited a court that provides the public with remote access to its public court records from charging a fee to search for, download, or copy those records. The bill also would have authorized a court to charge a fee to a commercial user for viewing, searching, duplicating, downloading, or printing public court records in an electronic format. Status: Held, Sen Appropriations.

### ***Personal Rights***

**AB 218 (Ward) Change of gender: updated marriage and birth certificates.** This bill extends the existing framework for petitioners changing their names and/or genders on their own birth certificates to further update their marriage licenses and certificates and the birth certificates of their children. The bill extends the eligibility for certain processes to persons not born or residing within the state and recognizes orders in foreign jurisdictions for purposes of sufficient documentation. Status: Chap. 577, Stats. 2021.

**AB 378 (Bauer-Kahan) Public officials and fair political practices act: non-gendered pronouns.** This bill eliminates gendered terms from various provisions of the California Codes that relate to elected officials, the Fair Political Practices Act, and the California Coastal Act. Status: Chap. 50, Stats. 2021.

**AB 421 (Ward) Change of gender and sex identifier.** This bill corrects several drafting errors in the section of the Health and Safety Code that deals with petitions for changes of gender and sex identifiers. Status: Chap. 40, Stats. 2022.

**AB 1094 (Arambula) Sexual orientation and gender identity data collection.** This bill requires the Department of Public Health (DPH) to establish a three-year pilot program in up to six counties (northern, southern and central regions) that agree to participate in the program, for the identification and collection by coroners and medical examiners of gender identity and sexual orientation in cases of violent death. Status: Chap. 177, Stats. 2021.

**AB 1318 (Stone) Change of name and gender: minors.** As heard by the Committee, this bill allowed for a minor who is a ward under the jurisdiction of the juvenile court to petition for a name and/or gender change with that court, and waived the publication requirement for name and/or gender change for all minors under the jurisdiction of the juvenile court. The bill was subsequently amended to extend the operative date of the Transitional Age Youth Pilot Program in certain counties. Status: Chap. 210, Stats. 2021.

**AB 1666 (Bauer-Kahan) Abortion: civil action.** This bill declares that a law of another state that authorizes a person to bring a civil action against a person or entity that receives or seeks, performs or induces, or aids or abets the performance of an abortion, or who attempts or intends to engage in those actions, is contrary to the public policy of this state. It also prohibits California from applying that law to a case or controversy heard in state court and the enforcement or satisfaction of a civil judgment received under that law. This bill provides that its provisions are severable, and declares that it is to take effect immediately as an urgency statute. Status: Chap. 42, Stats. 2022.

**AB 1785 (Davies) California parents' bill of rights.** This bill would have recognized certain parental rights, including, the right of a parent or guardian to advise on the moral or religious training of their

minor child. This bill would also have required a charter school, school district, or county office of education to, among other things, provide parents and guardians with opportunities to participate in schools to improve parent and teacher cooperation in areas including homework, school attendance, and discipline. Status: Dead, Asm Education.

**AB 2091 (Bonta) Reproductive health and privacy.** *See Civil Procedure.*

**AB 2223 (Wicks) Reproductive health.** This bill strengthens and clarifies the state's existing prohibitions on imposing civil and criminal penalties for pregnancy loss, creates a new civil action allowing individuals whose rights to be free of civil and criminal penalties for pregnancy loss are violated to seek accountability, including by bringing a civil action against a prosecutor who abuses their discretion by bringing criminal charges based upon a pregnancy loss, and limits the duties of coroners in a manner consistent with other provisions of the bill. Status: Chap. 629, Stats. 2022.

**AB 2312 (Lee) Nonprescription contraception: access.** This bill would have, with certain exceptions, prohibited a retail establishment from refusing to furnish nonprescription contraception to a person solely on the basis of their age or other protected characteristic. A retail establishment would have been subject to a civil penalty in the amount of \$25,000 for each violation. The bill would have authorized a local health officer, a city attorney, a district attorney, or the Attorney General to cooperate with the State Public Health Officer in the enforcement of these provisions. Status: Dead, Asm Health.

**AB 2959 (Committee on Judiciary) Childhood sexual assault claims.** *See Civil Procedure.*

**HR 78 (Bauer-Kahan) Reproductive health care.** This resolution marks the 49<sup>th</sup> anniversary of *Roe v. Wade*, which recognized that the constitutional right to privacy limits a state's power to restrict a woman's fundamental right to terminate a pregnancy prior to viability. This resolution also acknowledges that, with three conservative judges appointed under the former president, the *Roe v. Wade* decision is now at its biggest risk. Given the very significant challenges to the constitutional right of women to control their reproductive health decisions, this resolution urges the President and Congress to express their support for abortion, as well as their support for access to comprehensive reproductive health care. Status: Adopted.

**SB 380 (Eggman) End of life.** This bill extends the January 1, 2026 sunset date of the End of Life Option Act (EOLA) to January 1, 2031; permits an individual to make a second oral request for medical aid in dying a minimum of 48 hours from the first request; eliminates the final attestation form required to be filled out by the qualified individual within 48 hours prior to self-administering the aid-in-dying medication; and requires health care providers who elect not to participate in EOLA to inform a patient and transfer records to another health care provider. Status: Chap. 542, Stats. 2021.

**SB 518 (Laird) Office of the Self-Determination Ombudsperson.** As referred to this Committee, this bill would have, upon appropriation by the Legislature, created the Office of the Self-Determination Ombudsperson. The bill was subsequently amended to require any information contained in a winegrower's alcoholic beverage tax returns and accompanying schedules to be made public upon request, removing the bill from this Committee's jurisdiction. Status: Chap. 702, Stats. 2022.

**SB 1142 (Caballero, Skinner) Abortion services.** This bill requires the California Health and Human Services Agency, or a designated entity, to establish a website where the public can access specified

information about abortion services. The bill also requires the Department of Health Care Access and Information to conduct an annual evaluation of the Abortion Practical Support Fund established by the omnibus health trailer bill of 2022. Status: Chap. 566, Stats. 2022.

**SB 1210 (Cortese) Obscene materials: attorney's fees.** *See Civil Procedure.*

**SB 1245 (Kamlager) Los Angeles County Abortion Access Safe Haven Pilot Program.** This bill establishes the Los Angeles County (County) Abortion Access Safe Haven Pilot Program (Pilot Program), using a \$20 million appropriation in the Budget Act of 2022, for the purpose of expanding and improving access to the full spectrum of sexual and reproductive health care, including abortion. The bill requires the program administrator to determine a funding framework to prioritize funding for the pilot programs in consultation with specified stakeholders, and to provide an annual report to the Legislature on the projects and collaborations funded by the Pilot Program. Status: Chap. 567, Stats. 2022.

**SCA 10 (Atkins, Rendon) Reproductive Freedom.** This resolution enacts a constitutional amendment, to be placed on the ballot for approval by the voters, expressly providing that the state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to give birth to a child and their fundamental right to choose or refuse contraceptives. Status: Res. Chap. 97, Stats. 2022.

### ***Privacy Rights***

**AB 277 (Valladares, Davies) Domestic violence: victims: address confidentiality.** This bill requires the Secretary of State, by January 1, 2023, to provide application forms, notices, and explanatory materials related to the Safe at Home program in at least five languages. It also requires the Judicial Council to include information about the Safe at Home program on its existing forms relating to domestic violence. Status: Chap. 457, Stats. 2021.

**AB 814 (Levine) Personal information: contact tracing.** This bill would have provided that data collected, received, or prepared for purposes of contact tracing shall not be used, maintained, or disclosed for any purpose other than facilitating contact tracing efforts, except as provided. The bill would have required such data to be deleted, as specified, and would have prohibited the involvement of law enforcement in contact tracing, except as provided. Status: Held, Sen Appropriations.

**AB 1708 (Kiley) Law enforcement: data sharing.** *See Immigration Issues.*

**AB 1726 (Aguiar-Curry) Address Confidentiality Program.** This bill makes a number of changes to existing laws related to the Safe at Home (SAH) address confidentiality program. Among other things, it recognizes the challenge of providing legal notices to SAH program participants in compliance with timelines set forth in existing law; limits the circumstances under which a participant can be terminated from the program; and limits discovery of a participant's location. Status: Chap. 686, Stats. 2022.

**AB 1917 (Levine) Personal information: contact tracing.** This bill would have provided that data collected, received, or prepared for purposes of contact tracing shall not be used, maintained, or disclosed for any purpose other than facilitating contact tracing efforts, except as provided. The bill would have required such data to be deleted, as specified, and would have prohibited the involvement of law enforcement in contact tracing, except as provided. Status: Held, Asm Appropriations.

**AB 2091 (Bonta) Reproductive health and privacy.** *See Civil Procedure.*

**AB 2381 (Daly) Code enforcement officers: address confidentiality program.** As referred to the Committee, this bill would have created an address confidentiality program for Code Enforcement Officers similar to the address confidentiality program in existing law for victims of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, commonly known as the Safe at Home program administered by the California Secretary of State (SOS). As approved by the Committee, the bill would have expanded the existing address confidentiality program for reproductive health care service providers administered by the SOS to include other individuals who face threats of violence or violence from the public because of their work, employment, or volunteer service. Status: Held, Asm Appropriations.

**AB 2872 (Weber) Domestic violence: victims: address confidentiality.** This bill makes a number of changes to existing laws related to the Safe at Home address confidentiality program administered by the Secretary of State (SOS) to, among other things, reduce the number of copies of legal documents that must be provided to the SOS and expand the circumstances under which a participant can be terminated from the program. Status: Chap. 975, Stats. 2022.

**SB 41 (Umberg) Privacy: genetic testing companies.** This bill establishes the Genetic Information Privacy Act, a comprehensive legal framework to regulate the collection, use, maintenance, and disclosure of genetic data collected or derived from a direct-to-consumer genetic testing product or service, including enhanced notice and opt-in consent requirements. The bill imposes civil penalties between \$1,000 and \$10,000 for any violation of the bill and grants authority for enforcement to the Attorney General, district attorneys, and city attorneys. Status: Chap. 596, Stats. 2021.

**SB 1079 (Portantino) Vehicles: sound-activated enforcement devices: confidential records.** This bill requires the California Highway Patrol (CHP) to evaluate sound-activated enforcement devices by evaluating the efficacy of such devices manufactured by at least three different companies. Status: Chap. 449, Stats. 2022.

**SB 1131 (Newman) Safe at Home program: election workers and reproductive health care providers.** This bill makes a number of changes to existing law that protect the confidentiality of certain election workers; and also allows individuals who face threats of violence, harassment, and violence because of their work for public entities (including election workers) to participate in the Secretary of State's address confidentiality program that currently is available to only reproductive health care service providers. The bill declares that it is to take effect immediately as an urgency statute. Status: Chap. 554, Stats. 2022.

**SB 1172 (Pan) Student Test Taker Privacy Protection Act.** This bill prohibits remote proctoring services companies from collecting and maintaining any user data except data which is strictly necessary to provide the remote proctoring service. Status: Chap. 720, Stats. 2022.

**SB 1419 (Becker) Health information: access to minor's records.** This bill expands the requirements for health care professionals to provide patients with the results of their clinical laboratory tests; requires health plans and health insurers to establish and maintain certain application programming interfaces to facilitate patient and provider access to health information; and clarifies prohibitions in existing law on the ability of a representative of a minor to inspect or obtain copies of the minor's patient records. Given amendments that conform the bill with limits on access to records of

minors in existing law, referral of the bill to the Committee was waived. Status: Chap. 888, Stats. 2022.

**SJR 7 (Bradford) Dr. Martin Luther King, Jr. and the FBI surveillance tapes.** This resolution would have called upon the National Archives to destroy tapes created as part of the FBI's questionable investigations of Dr. Martin Luther King, Jr. in the 1960s. In addition, this resolution would have called upon the President and Congress to ensure that intelligence agencies will never again engage in such "immoral and defamatory" investigations of political activists. Status: Dead, Asm Inactive.

### *Employment Rights*

**AB 257 (Holden et. al.) Fast Food Employment Standards.** This bill enacts the Fast Food Accountability and Standards (FAST) Recovery Act to, among other things, establish the Fast Food Council (Council) within the Department of Industrial Relations (DIR) to establish sector-wide minimum standards for wages, working hours, and other working conditions related to the health, safety, and welfare of, and living wages of fast food restaurant workers. As heard in this Committee, the bill would have made the franchisor subject to, and jointly and severally liable for, any penalties or fines imposed for violations of these laws, and their respective rules and regulations, but that provision was later removed from the bill. Status: Chap. 246, Stats. 2022.

**AB 364 (Rodriguez) Foreign labor contractor registration: agricultural workers.** This bill would have deleted an exemption in existing law so that foreign labor contractors, including those recruiting farmworkers abroad, except as specified, would be required to register with the California Labor Commissioner and follow existing requirements for other foreign labor contractors, as specified. Status: Vetoed.

**AB 385 (Flora) Labor Code: Private Attorneys General Act.** This bill would have prohibited an aggrieved employee from maintaining an action on behalf of themselves or any other aggrieved employee under the Labor Code's Private Attorneys General Act if certain conditions were satisfied, including the aggrieved employee bringing an action under the act in conjunction with, or in addition to, claims for monetary damages or penalties for violations of the Labor Code, as specified. Status: Dead, Asm Labor & Employment.

**AB 530 (V. Fong) Labor Code: Private Attorneys General Act.** This bill would have required an aggrieved employee who brought an action under the Labor Code's Private Attorneys General Act to inform the employer which specific violations of the code were being brought under each subdivision of the act and to inform the employer if the statutory right to cure provisions applied. Status: Dead, Asm Labor & Employment.

**AB 1028 (Seyarto, Bigelow) Telework Flexibility Act.** This bill would have permitted an employee, not otherwise exempted, to request a remote flexible work schedule, providing workdays up to 10 hours per day in a 40-hour week, and allowed an employer to implement this schedule without the obligation to pay overtime for those additional hours. The bill would have specified that if an employee-selected remote work flexible work schedule were adopted, the employer would be required to pay overtime at one and one-half times the employee's regular rate of pay for all hours worked over 40 hours in a workweek, or for over 10 hours in a workday, whichever is the greater number of hours. Status: Dead, Asm Labor & Employment.



**AB 1033 (Bauer-Kahan) Small employer family leave mediation: pilot project.** This bill modifies procedural aspects of the Department of Fair Employment and Housing’s pilot program for mediating family leave disputes between small businesses and their employees in order to ensure that employers are aware of their option to force employees to participate. In addition, the bill clarifies that employers covered under the California Family Rights Act must grant eligible employees up to 12 weeks of job-protected time off from work annually for the purpose of providing care to a parent-in-law with a serious medical condition. Status: Chap. 327, Stats. 2021.

**AB 1119 (Wicks) Employment discrimination.** This bill would have expanded the list of protected characteristics, for purposes of defining unlawful employment discrimination under the Fair Employment and Housing Act, to include “family responsibilities,” and would have made corresponding changes, as specified, to related provisions of law. Status: Held, Asm Appropriations.

**AB 1122 (C. Garcia, Holden) Employment discrimination: protected groups.** This bill would have provided that it would not be a violation of the Fair Employment and Housing Act for an employer not to hire an individual who is a member of a protected group that is underrepresented in the type of job in question in the relevant general workforce if the employer hired or promoted another individual who is a member of a protected group and the employer determined that the individual hired was qualified for the job or promotion in question. Status: Dead, Asm Labor & Employment.

**AB 1256 (Quirk) Employment discrimination: cannabis screening test.** This bill would have prohibited an employer from discriminating against a person in hiring, termination, or any term or condition of employment on the basis of a drug screening test that found the person to have non-psychoactive cannabis metabolites in their urine, hair, or bodily fluids. The bill would have exempted an employer in the building and construction trades, or an employer who were required to conduct testing by federal law or regulations, from those provisions. The bill would also have authorized a person who suffered discrimination in violation of the bill’s provisions to institute and prosecute a civil action, as specified. Status: Dead, Asm Labor & Employment.

**AB 1714 (Cooper) Excluded employees: binding arbitration.** This bill would have given excluded employees, such as managers and supervisors, the option of requesting binding arbitration as a method for resolving disputes with their State employers after first exhausting the current grievance resolution procedures. Status: Vetoed.

**AB 1723 (Patterson) California State Auditor: whistleblower protection.** This bill would have clarified that the California Whistleblower Protection Act protects a public employee from retaliation for making a “protected disclosure” to the Legislature, and would have triggered investigations by the California State Auditor’s Office for any report made to the Legislature or its members. Status: Held, Asm Appropriations.

**AB 1844 (Medina) Higher Ed Student and Faculty Protection Act.** This bill would have required public postsecondary educational institutions to disclose specified records of investigations of sexual assault and harassment complaints against current and past employees when contacted by another institution, and likewise have the ability to request the same for prospective applicants. Status: Held, Asm Appropriations.

**AB 1949 (Low) Bereavement leave.** This bill requires private employers with five or more employees and all public employers, except as specified, to provide a minimum of five unpaid days of bereavement leave for the death of a qualifying family member. Status: Chap. 767, Stats. 2022.

**AB 1993 (Wicks et. al.) Employment: COVID-19 vaccination requirements.** This bill would have required every employer, as specified, to confirm that each eligible employee or independent contractor has received vaccination against COVID-19. Status: Dead, Asm Labor and Employment.

**AB 2182 (Wicks) Discrimination: family responsibilities.** This bill would have expanded the list of protected characteristics, for purposes of defining unlawful employment discrimination under the Fair Employment and Housing Act, to include “family responsibilities,” and made corresponding changes, as specified. Additionally, the bill would have required employers, as defined, to make effective accommodations for employees with obligations arising from a need to care for a child, as specified. Status: Held, Asm Appropriations.

**AB 2188 (Quirk) Discrimination in employment: use of cannabis.** This bill prohibits employers from discriminating against employees for their personal use of cannabis off the job and prohibits employer-required drug screening tests that identify cannabis metabolites, except as specified. Status: Chap. 392, Stats. 2022.

**SB 62 (Durazo) Employment: garment manufacturing.** This bill, for the purpose of wage claim enforcement in the garment industry, expands the definition of “garment manufacturing” to include brand guarantors. The bill also eliminates piece rate pay, provides for joint and several liability among manufacturers, brand guarantors, and contractors, and creates a rebuttable presumption of the identity of a brand guarantor by the provision of a brand's label. Status: Chap. 329, Stats. 2021.

**SB 76 (Nielsen) Excluded employees: binding arbitration.** This bill would have created, until January 1, 2027, the Excluded Employee Arbitration Act, which gives excluded employees, such as managers and supervisors, the option of requesting binding arbitration as a method for resolving disputes with their state employers after first exhausting the current grievance resolution procedures. Status: Vetoed.

**SB 206 (McGuire) Firefighters Procedural Bill of Rights Act.** This bill extends the protections of the Firefighters Procedural Bill of Rights to seasonal temporary appointment firefighters, as specified. Status: Chap. 722, Stats. 2021.

**SB 270 (Durazo) Public employment: labor relations: employee information.** This bill authorizes a public employee bargaining representative to file an unfair labor practice claim with the Public Employee Relations Board if a public employer fails to provide certain employee information in a timely and accurate manner and subjects the employer to certain penalties, among other provisions. Status: Chap. 330, Stats. 2021.

**SB 321 (Durazo) Employment safety standards: household domestic services.** This bill requires Cal-OSHA to convene an advisory committee to provide voluntary guidance and make recommendations on policies the state may adopt to protect the health and safety of privately funded household domestic service employees. The bill requires Cal-OSHA to post the report to its internet website and submit a copy to the Legislature no later than January 1, 2023. Status: Chap. 332, Stats. 2021.

**SB 331 (Leyva) Settlement and nondisparagement agreements.** This bill prohibits the use of non-disclosure agreements to settle employment and housing-related legal claims involving unlawful harassment, discrimination, or related retaliation of any kind, with limited exceptions when requested by the complainant. The bill also prohibits the inclusion, in an employment severance agreement, of

terms that prohibit the separated employee from discussing unlawful conduct at their former workplace, unless the separated employee agrees to those terms under specified conditions designed to safeguard the separated employee's rights. Status: Chap. 638, Stats. 2021.

**SB 338 (Gonzalez) Misclassification of employees: enforcement: port drayage.** This bill requires the Division of Labor Standards Enforcement to post on its webpage essential information for a port drayage motor carrier that previously engaged in unlawful conduct related to misclassification of employees and that has subsequently been found in violation of a labor and employment law. The bill further establishes a process for the carrier to be removed from the posting upon certifying that the violation has been corrected. Status: Chap. 333, Stats. 2021.

**SB 505 (Skinner) Wages: withholdings.** As originally referred, this bill would have required employers to attempt to consult with an employee to resolve a monetary obligation before resorting to third-party collection services. As amended then heard by this Committee, this bill would have imposed strict liability on owners of firearms for each incidence of property damage, bodily injury, or death resulting from the use of their firearm (except when the owner of the firearm reports the firearm to local law enforcement as lost or stolen prior to the damage, injury, or death); and would have required owners of firearms to obtain insurance to cover losses or damages resulting from the use of the firearm and keep proof of insurance with the firearm. Status: Held, Asm Appropriations.

**SB 572 (Hertzberg) Labor Commissioner: enforcement: lien on real property.** This bill enables the Labor Commissioner to directly create a lien on real property in order to collect amounts due under any final citation, finding, or decision, instead of having to obtain a court judgment and an abstract of judgment as a precondition for creating a lien. Status: Chap. 335, Stats. 2021.

**SB 598 (Pan) Sacramento Regional Transit District: employee relations.** This repeals, recasts, and modifies provisions of the Public Utilities Code relating to the Sacramento Regional Transit District in order to give the Public Employment Relations Board jurisdiction over employer-employee relations, as specified. Status: Chap. 492, Stats. 2021.

**SB 606 (Gonzalez) Workplace safety: citations: employer retaliation.** This bill authorizes Cal-OSHA to issue a citation for an egregious violation of an occupational safety or health standard, order, special order, or regulation, for each willful violation determined by Cal-OSHA, and count each employee affected by the violation as a separate violation for the purposes of the issuance of fines and penalties. Status: Chap. 335, Stats. 2021.

**SB 646 (Hertzberg) Labor Code Private Attorneys General Act: janitorial employees.** This bill exempts janitorial employees, as defined, from the Labor Code's Private Attorneys General Act, so long as the janitorial employee is represented by a labor organization that has represented janitors before January 1, 2021, and employed by a janitorial contractor who registered with the commissioner as a property service employer in calendar year 2020, with respect to work performed under a valid collective bargaining agreement in effect any time before July 1, 2028, that contains certain provisions. The bill requires a janitorial contractor who has entered into such an agreement to share, within 60 days of entering the agreement, information about the agreement with the Labor and Workforce Development Agency. The bill specifies that its provisions do not apply to existing cases filed before the effective date of the bill and does not prevent a janitorial employee from filing certain actions. The bill authorizes the exception until the collective bargaining agreement expires or until July 1, 2028, whichever is earlier, and repeals the bill's provisions on July 1, 2028. Status: Chap. 337, Stats. 2021.

**SB 657 (Ochoa Bogh) Employment: electronic documents.** This bill provides that in instances where an employer is required to physically post information in the workplace, an employer may also distribute that information to employees by email with the document or documents attached. It specifies, however, that distribution by email shall not alter the employer's obligation to physically post the information in the workplace. Status: Chap. 109, Stats. 2021.

**SB 727 (Leyva) Labor-related liabilities: direct contractor.** This bill expands the existing direct contractor liability, for contracts entered into on or after January 1, 2022, to include liquidated damages and penalties in circumstances where the direct contractor fails to meet payroll monitoring and corrective action requirements, as specified. Status: Chap. 338, Stats. 2021.

**SB 931 (Leyva) Deterring union membership: violations.** This bill authorizes employee organizations under the jurisdiction of the Public Employment Relations Board to bring a claim before the board alleging that a public employer engaged in deterring or discouraging public employees or applicants from becoming or remaining members of unions, authorizing unions to represent public employees, or authorizing dues or fee deductions to be transferred to unions. Status: Chap. 823, Stats. 2022.

**SB 1162 (Limón) Employment: salaries and wages.** This bill requires employers, as defined, to disclose the pay range on new job postings and provide the pay range for a position to any employee currently in position upon the employee's request. Additionally, the bill expands the pay data required to be reported to the Department of Fair Employment and Housing to include the median and mean hourly rate for each combination of race, ethnicity, and sex within each job category, as well as the same data sets for contract workers. Status: Chap. 559, Stats. 2022.

**SB 1260 (Durazo) Employment: garment manufacturing.** As heard by this Committee, this bill restored the liability of garment manufacturers and contractors for liquidated damages in the amount of any unpaid minimum and overtime wages that a garment worker has earned but has not been paid. The bill was subsequently amended to focus on the eligibility of individuals with felony records for participation in or payment for providing in-home supportive services. Status: Chap. 842, Stats. 2022.

**SB 1364 (Durazo, Caballero) University of California: vendors.** This bill would have required vendors who contract with the University of California to regularly report specified employee payroll information to the University and unions; and it would have provided notice to employees of the requisite reporting. The bill also authorized a schedule of civil penalties against vendors who violated the terms of their contracts, or failed to comply with the bill's reporting and notice requirements. Status: Vetoed.

**SB 1406 (Durazo) Excluded employees: binding arbitration.** This bill would have authorized an organization that represents excluded employees to request binding arbitration on behalf of an excluded state employee for alleged violations of working conditions, as specified, when the grievance was not resolved satisfactorily at the fourth level of review. Status: Vetoed.

**SB 1488 (Glazer) San Francisco Bay Area Rapid Transit District: Office of the BART Inspector General.** This bill would have expanded the scope of the authority and powers vested in the BART Inspector General while simultaneously protecting a BART employee's rights to access the assistance of union representatives when being questioned by the Inspector General. Status: Vetoed.

## OPEN GOVERNMENT AND PUBLIC RECORDS

**AB 277 (Valladares, Davies) Domestic violence: victims: address confidentiality.** *See Privacy Rights.*

**AB 343 (V. Fong) California Public Records Act Ombudsperson.** This bill would have established, within the California State Auditor's Office, the California Public Records Act Ombudsperson, who would have received requests for review from members of the public who believe that a public agency had improperly denied their request for public records. Status: Dead, Sen Governmental Organization.

**AB 386 (Cooper) Public Employees' Retirement Fund: investments: confidentiality.** This bill would have established a new exemption to the California Public Records Act (CPRA) for records of internally managed private loans made by the Public Employees' Retirement Fund. Specifically, the bill would have provided that notwithstanding any other law, certain records regarding an internally managed private loan made by a public investment fund are not subject to public disclosure in response to a CPRA request, unless the information has already been publicly released by the keeper of the information. Status: Failed, Sen Judiciary.

**AB 409 (Seyarto) Crimes: public records: disclosure of information.** This bill would have required a law enforcement official to inform a witness or victim of a gang-related offense that the person's name could be made public under the California Public Records Act, and collect articulable evidence, if appropriate, to support a conclusion that disclosure of the person's name would endanger that person's safety. Status: Held, Asm Appropriations.

**AB 473 (Chau) California Public Records Act.** This bill recodifies and reorganizes the provisions of the California Public Records Act in the CPRA Recodification Act of 2021 without making any substantive changes to the act and makes related findings. Status: Chap. 614, Stats. 2021.

**AB 474 (Chau) California Public Records Act: conforming revisions.** This bill makes various conforming and technical changes related to another bill, AB 473 (Chau) of the current legislative session, that recodifies and reorganizes the California Public Records Act. Status: Chap. 615, Stats. 2021.

**AB 478 (Ting) Thermoform containers: release of records.** This bill would have set content standards for thermoform plastic containers to include a minimum amount of postconsumer recycled plastic, helping to create a circular economy that will produce, collect, recycle and reprocess post-consumer plastic thermoformed containers. The bill also provided limited exemptions from the California Public Records Act and state antitrust laws to producers of such plastic containers. Status: Held, Sen Appropriations.

**AB 2370 (Levine) Public records: state agency retention.** This bill would have required a state agency to retain and preserve for at least two years every public record, regardless of physical form or characteristics, unless a longer retention period is specified by law. Status: Held, Sen Appropriations.

**AB 2429 (Quirk) POST: training requirements: records.** This bill would have required the Commission on Peace Officer Standards and Training (POST) to partner with academic researchers to assess existing peace officer training requirements and establish a permanent academic review board to regularly review and update the training requirements. The bill also would have required POST to collect and secure data for these purposes, and provided that any personal identifying information of a

peace officer, trainee, or student collected by POST for research would be confidential and prohibited from being released to the public, except as specified. Status: Held, Sen Appropriations.

**AB 2557 (Bonta) Peace officers: records.** This bill would have abrogated the California Supreme Court holding in *Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272, and made records and information maintained for the purpose of civilian oversight of peace officers subject to disclosure pursuant to the California Public Records Act. Status: Dead, Asm Judiciary.

**AB 2647 (Levine) Local government: open meetings.** This bill allows writings that are distributed to members of a legislative body of a local agency less than 72 hours before an open, regular meeting to be exempt from specified requirements of the Ralph M. Brown Act (Brown Act) under specified circumstances. The bill also clarifies that agendas of public meetings are public records that must be made available to the public upon request, without delay. Based upon amendments taken in the committee with primary jurisdiction that conformed the bill's public records act provisions with existing law, this Committee waived its hearing on the bill. Status: Chap. 971, Stats. 2022.

**AB 2711 (Calderon) Juvenile records access.** This bill clarifies that an adoption case file, including a juvenile case file that is otherwise confidential under existing law, may be inspected and copied by the California Department of Social Services for the purpose of completing the department's required duties pursuant to the order setting aside an adoption. Status: Chap. 870, Stats. 2022.

**AB 2788 (Mathis) Public records: agency response.** This bill would have extended the time for a public agency to respond to a request for public records pursuant to the California Public Records Act; whereas an agency must respond to a request within ten calendar days, the bill would have extended the timeline for an agency's response to ten *business* days. Status: Dead, Asm Judiciary.

**AB 2962 (Committee on Judiciary) Court records.** *See Courts.*

**SB 16 (Skinner) Peace officers: release of records.** This bill expands the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA) and modifies existing provisions regarding the release of records subject to disclosure. Specifically, the bill makes more types of personnel records related to sustained findings of an officer's bias or use of excessive or unreasonable force subject to public disclosure; extends the time period for agencies to retain records; prohibits destruction of records that are subject to a CPRA request or litigation; and clarifies what costs an agency may charge a requester of public records. Status: Chap. 402, Stats. 2021.

**SB 533 (Stern) Electrical corporations: wildfire mitigation plans: deenergization events.** This bill requires electrical corporations to identify circuits that have frequently been deenergized to mitigate the risk of wildfire and the measures taken to reduce the need for future deenergization of those circuits, as specified. As referred to the Committee, this bill contained provisions related to limiting the right of access to the meetings of public bodies or the writings of public officials and agencies. These provisions were removed by the Committee on Utilities and Energy and, as a result, the bill was not heard by this Committee. Status: Chap. 244, Stats. 2021.

**SB 702 (Limón) Gubernatorial appointments: report.** This bill would have required the office of the Governor to publish a report containing the demographic information of individuals who have applied to or been appointed to a state board or commission. Additionally, the bill would have created a working group to discuss and provide recommendations on ways to diversify state boards and commissions. Status: Vetoed.

**SB 1054 (Ochoa Bogh) Public social services: records: confidentiality: multidisciplinary personnel teams.** This bill specifies that confidentiality provisions relating to applications and records concerning any form of public social services includes protective services provided through public social services agencies. The bill also authorizes employees of a county's adult protective services agency (APS) or a county's child welfare agency to share information for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect, or the abuse or neglect of an elder or dependent adult. Status: Chap. 506, Stats. 2022.

**SB 1071 (Umberg) Public social services: administrative hearings: juvenile records access.** This bill permits attorneys participating in administrative hearings to review and receive copies of juvenile case files, while also requiring the confidential information they access to remain confidential and to be sealed at the conclusion of the hearing. Further, the bill requires copies of the portions of the juvenile case file that the agency uses in making its decision to take certain actions, as specified, that are being appealed, to be attached to any position statement prepared for an administrative hearing, as specified. This bill also provides for certain records and information to be available for inspection by the applicant or recipient of a public social services agency no later than five working days prior to the hearing. Status: Chap. 613, Stats. 2022.

**SB 1100 (Cortese) Open meetings: orderly conduct.** This bill allows the presiding member of a local legislative body to remove an individual from a public meeting of the body for disrupting a public meeting of the body; defines "disrupting" for this purpose; and outlines the procedures required to be followed before the individual may be removed. Status: Chap. 171, Stats. 2022.

**SB 1214 (Jones) Planning and zoning: local planning.** This bill requires a local planning agency to ensure architectural drawings that contain copyright-protected material are made available to the public in a manner that does not facilitate unauthorized copying of the material. Status: Chap. 226, Stats. 2022.

**SB 1387 (Limón) Gubernatorial appointments: report.** This bill would have required the office of the Governor to maintain on its internet website for every state board and commission the following information: a list of members, stated purpose, duties, meeting frequency, internet website, and any current vacancies. Status: Vetoed.

## **PROBATE AND RELATED MATTERS**

### ***Civil Commitment, Conservatorship and Guardianship***

**AB 260 (Stone) Guardianships.** This bill establishes processes to ensure abused or neglected children are not improperly diverted into probate guardianships in lieu of the foster care system, and requires the Judicial Council to develop a form regarding the differences between probate guardianships and the foster care system, as specified. Status: Chap. 578, Stats. 2021.

**AB 574 (Chen) Guardians ad litem: mental illness.** This bill would have established a new procedure for the appointment of a guardian ad litem for a person who lacks the capacity to make rational informed decisions regarding medical care, mental health care, safety, hygiene, shelter, food, or clothing with a rational thought process due to a mental illness, defect, or deficiency. The bill would have authorized certain persons to petition the court for the appointment of a guardian ad litem under these provisions, and established the procedures that would govern the filing of a petition, the content of its notice provisions, and court procedures. Under certain circumstances, the bill would have

required the court to appoint the public defender or private counsel to represent a person who is the subject of such a petition. Status: Dead, Asm Health.

**AB 596 (Nguyen) Conservatorships: appointed counsel.** This bill would have required an attorney who is appointed to represent a conservatee or proposed conservatee to report to the court if the conservatee is unable to communicate, and would have required the court, if warranted, to discharge the attorney and appoint a guardian ad litem for the conservatee or proposed conservatee. The bill also would have required that an attorney appointed to represent a conservatee, proposed conservatee, or a person who lacks capacity acts as an advocate for the client and may not substitute their judgment for the client's expressed interest. Status: Dead, Asm Judiciary.

**AB 1062 (Mathis) Guardians and conservators: disposition of property.** This bill would have required a guardian or conservator to notify specific individuals before disposal of "valueless property" and provided a process to settle disputes over the "valueless property." The bill also would have required the court, if the guardian or conservator becomes a successor trustee, to supervise the trust, unless it is not in the best interest of the conservatee or ward. Status: Dead, Sen Judiciary.

**AB 1194 (Low) Conservatorships.** This bill makes multiple reforms intended to protect wards and conservatees from unscrupulous guardians and conservators, including (1) requiring the Professional Fiduciaries Bureau to investigate allegations against a licensee and to impose sanctions upon a finding that the professional fiduciary breached a duty to, or abused, an elder or dependent adult, or otherwise violated applicable laws; (2) establishing new court oversight, contingent on an appropriation, including reviewing conservatorships annually to determine if a conservatorship is still needed and, if not, terminating the conservatorship; (3) requiring a court to allow representation by an attorney for whom a conservatee, proposed conservatee, or person alleged to lack legal capacity expresses a preference, even if the attorney is not on the court's list of court-appointed attorneys; and (4) specifying that the role of legal counsel for a conservatee, proposed conservatee, or person alleged to lack legal capacity is that of a zealous, independent advocate representing the wishes of their client, consistent with their ethical duties under existing law. Status: Chap. 417, Stats. 2021.

**AB 1340 (Santiago) Mental health services.** This bill would have expanded the definition of "gravely disabled" under the Lanterman-Petris-Short Act, allowing for involuntary commitment and treatment of persons with specified mental health disorders to apply to a broader group of people. The bill also would have sought to implement recommendations by the State Auditor for improving the provision of mental health services in California. Status: Dead, Asm Health.

**AB 1663 (Maienschein) Probate conservatorships and supported decisionmaking.** This bill revises how probate conservatorships are investigated, established, and terminated; revises who may serve as conservator for individuals with developmental disabilities; requires the Judicial Council, subject to an appropriation, to establish a conservatorship alternatives program within each self-help center; establishes voluntary supported decisionmaking as a way to help individuals with disabilities; and requires the State Council on Developmental Disabilities, subject to an appropriation, to administer a statewide Supported Decisionmaking Technical Assistance Program. Status: Chap. 894, Stats. 2022.

**AB 2020 (Gallagher) Mental health services: gravely disabled.** Subject to an appropriation, this bill would have expanded the definition of "gravely disabled" under the Lanterman-Petris-Short Act for counties that elected to do so. Status: Dead, Asm Health.



**AB 2242 (Santiago) Mental health holds.** This bill (1) requires individuals who have been involuntarily detained for purposes of evaluation and treatment, or placed under a conservatorship, to receive a care coordination plan developed by specified entities; (2) requires the Department of Health Care Services to convene a stakeholder group to create a model care coordination plan to be followed when discharging those held under temporary holds or a conservatorship; and, (3) permits county mental health plans to pay for the provision of services for individuals placed under involuntary detentions and conservatorship using specified funds, including Mental Health Services Act funds, as specified. Status: Chap. 867, Stats. 2022.

**AB 2275 (Wood, Stone) Mental health: involuntary commitment.** This bill clarifies that the 72-hour detention under a Lanterman-Petris-Short Act (LPS Act) 5150 involuntary hold begins at the time when the person is first detained. The bill also requires that when a person has not been certified for intensive treatment but remains detained under a 5150 hold, a certification review hearing must be held within seven days of the date on which the person was initially detained, unless judicial review has been requested. Status: Chap. 960, Stats. 2022.

**AB 2288 (Choi) Advance health care directive: mental health treatment.** This bill clarifies that advance health care directives include mental health and treatment, modifies the statutory advanced health care directive form accordingly, and makes more prominent the requirement that the advance health care directive be either notarized or witnessed by two qualified individuals. Status: Chap. 21, Stats. 2022.

**AB 2291 (Muratsuchi) Mental health services: involuntary treatment.** This bill would have required, for each person detained for a 72-hour mental health evaluation, the facility providing the evaluation and treatment to keep with the person's medical record contact information for an individual designated by the patient as their medical emergency contact, and would have required the facility to develop a continuity of care plan for the person, which the facility would have to make available to certain individuals and facilities, as specified. The bill would have required, before the release of the person, the professional person in charge of the facility providing the treatment to provide the county behavioral health director with the medical emergency contact information, the continuity of care plan, and the possible release date of the person. Finally, it would have required the county behavioral health director to contact the person's medical emergency contact and provide that individual with the person's continuity of care plan. Status: Dead, Asm Health.

**AB 2309 (Friedman) Guardianships.** This bill requires the court to abide by a parent's specified guardianship placement for their child, so long as specified requirements are met. The bill also requires the State Department of Social Services to submit a report capturing voluntary placement agreements and care plan data. Status: Chap. 780, Stats. 2022.

**AB 2616 (Low) Conservatorships and guardianships.** This bill would have increased oversight of guardianships and conservatorships in California by doing the following: (1) fully implementing the reforms of the 2006 Conservatorship and Guardianship Reform Act and AB 1194 (2021) by removing the appropriation requirements, thus making all provisions effective January 1, 2023; and (2) minimizing any conflicts of interest and self-dealing that guardians or conservators may have to the detriment of their wards and conservatees. Status: Dead, Asm Appropriations.

**AB 2628 (Reyes) Dependency: victims of human trafficking.** This bill modifies provisions of the Welfare and Institutions Code to include victims of labor trafficking under the jurisdiction of the dependency courts. Status: Held, Asm Appropriations.

**AB 2830 (Bloom) CARE court.** This bill would have implemented the Community Assistance, Recovery, and Empowerment (CARE) Act on a statewide basis, which would have authorized specified people to petition a civil court to create a CARE plan and implement services to be provided by county behavioral health agencies and others; to provide behavioral health care; stabilization medication; and housing support to adults who are suffering from schizophrenia spectrum and psychotic disorders and who lack medical decisionmaking capacity. Status: Dead, Asm Judiciary.

**AB 2853 (Lackey) Mental health: involuntary holds.** This bill would have required the Department of Health Care Services (DHCS) to establish guidelines for the uniform application of the Lanterman-Petris-Short Act by counties to include, at a minimum, an explanation of how to determine if a person meets the definition of gravely disabled and if a person is a danger to themselves or others. The bill would have required DHCS to also establish a maximum period of time for which a person may be detained for an evaluation to determine if the person should be taken into custody under a 72-hour involuntary hold. Status: Dead, Asm Judiciary.

**SB 340 (Stern) Lanterman-Petris-Short Act: hearings.** This bill would have authorized a family member, friend, or acquaintance with personal knowledge of the person receiving treatment under the Lanterman-Petris-Short Act to make a request to testify in the judicial review proceedings, in writing, to the counsel of a party to the judicial review. The bill would have required the receiving counsel, or their designee, to determine whether the requester's testimony would assist the proceeding and, within a reasonable time, respond to the requester, in writing, with an approval or denial. Status: Dead, Asm Judiciary.

**SB 507 (Eggman) Mental health services: assisted outpatient treatment.** This bill broadens criteria to permit assisted outpatient treatment (AOT) for a person who is in need of AOT services, as specified, without also requiring the person's condition to be substantially deteriorating. The bill also permits specified individuals to testify at a court hearing via videoconferencing, as specified. This bill permits a court to order AOT for eligible conservatees, as specified, when certain criteria are met. Status: Chap. 426, Stats. 2021.

**SB 516 (Eggman, Stern) Certification for intensive treatment: review hearing.** This bill would have permitted evidence considered in a certification review hearing under the Lanterman-Petris-Short Act to include information regarding a person's medical condition, as defined, and how that condition bears on certifying the person as a danger to self or others, or as gravely disabled. Status: Dead, Asm Health.

**SB 578 (Jones) Lanterman-Petris-Short Act: hearings.** This bill clarifies and strengthens an existing statute that makes proceedings under the Lanterman-Petris-Short (LPS) Act presumptively nonpublic by clarifying that all hearings under the LPS Act, including certification review hearings and jury trials, are presumptively closed to the public if the hearings involve the disclosure of confidential information. The bill permits an individual who is the subject of an LPS proceeding to request the presence of a family member or friend without waiving the right to keep the proceeding closed to the rest of the public. Status: Chap. 389, Stats. 2021.

**SB 602 (Laird) Conservatorships: care plans.** This bill would have required a probate conservator, within 60 days of appointment by the court and within 30 days before a hearing to determine the continuation or termination of an existing conservatorship, to file with the court a care plan for the care, custody, and control of the conservatee, including specified elements. Status: Dead, Asm Appropriations.

**SB 782 (Glazer) Assisted outpatient treatment programs.** This bill would have permitted a court to order a person to obtain assisted outpatient treatment (AOT) services if the court finds that the petition establishes the person either is a conservatee or former conservatee and would benefit from AOT services to reduce the risk of deteriorating mental health, as specified. Status: Dead, Asm Rules.

**SB 965 (Eggman) Conservatorship: medical record hearsay.** This bill would have created, in a proceeding under the Lanterman-Petris-Short Act, an exception to the rule against hearsay to allow an expert witness to rely on the out-of-court statements of medical professionals, as defined, who have treated a person who is the subject of a conservatorship petition. Status: Dead, Asm Judiciary.

**SB 1005 (Wieckowski) Conservatorship: sale of residence.** This bill revises the provisions authorizing the sale of a conservatee's real property to specifically include the power to consent and agree to the partition of the personal residence or other real or personal property of the estate, and the power to bring an action for partition of the personal residence or other real or personal property of the estate; and subjects the partition of the conservatee's present or former personal residence to the same conditions as would be applicable to the sale of the residence under existing law. Status: Chap. 91, Stats. 2022.

**SB 1024 (Jones) Replacement of an incapacitated or deceased professional fiduciary.** This bill establishes an expedited court process that allows for the appointment of a professional fiduciary practice administrator to take over the responsibilities of an incapacitated or deceased professional fiduciary on a temporary basis. Status: Chap. 612, Stats. 2022.

**SB 1035 (Eggman) Mental health services: assisted outpatient treatment.** This bill allows the court to conduct status hearings for a person who is subject to an assisted outpatient treatment (AOT) order and their treatment team to receive information regarding progress and adherence to the treatment plan, including medication adherence. It also requires the AOT program director to include specified information when filling an affidavit affirming the person continues to meet the criteria for AOT. Status: Chap. 828, Stats. 2022.

**SB 1092 (Hurtado) Developmental services: individual program plan: fair hearings.** This bill would have transferred both the mediation and fair hearing processes to the Department of Social Services (DSS) from the Office of Administrative Hearings (OAH). The bill also made several changes specific to the mediation process. Status: Held, Asm Appropriations.

**SB 1227 (Eggman) Involuntary commitment: intensive treatment extension.** This bill permits an additional 30 days of involuntary commitment and intensive treatment under the Lanterman-Petris-Short Act for a person who is still in need of intensive services, but only if a court grants the extension after making required findings. Status: Chap. 619, Stats. 2022.

**SB 1338 (Umberg, Eggman) CARE court.** This bill implements the Community Assistance, Recovery, and Empowerment (CARE) Act statewide which authorizes specified people to petition a civil court to create a CARE plan and implement services to be provided by county behavioral health agencies or others, including behavioral health care, stabilization medication, and housing to adults who are suffering from schizophrenia spectrum and other psychotic disorders. Status: Chap. 319, Stats. 2022.

**SB 1394 (Eggman) Conservatorships: gravely disabled persons.** This bill modifies, from six months to 180 days, the maximum amount of time by which a temporary 30-day conservatorship may

be extended, pending the resolution of a petition for a conservatorship under the Lanterman-Petris-Short (LPS) Act when the potential conservatee has requested a court or jury trial on the question of whether they are “gravely disabled” for purposes of establishing a full LPS conservatorship. Status: Chap. 996, Stats. 2022.

**SB 1416 (Eggman) Mental health services: gravely disabled.** This bill would have expanded the definition of “gravely disabled” under the Lanterman-Petris-Short Act to include the inability of an individual to provide for their basic personal needs for medical care. Status: Dead, Asm Judiciary.

### *Elder Abuse*

**AB 1243 (Rubio) Protective orders: elder and dependent adults.** This bill, effective January 1, 2023, allows an interested party to seek, after notice and a hearing, a protective order for isolation of an elder or dependent adult under the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) and for the court to make a finding that specific debt was incurred as the result of financial abuse of the elder or dependent adult. Status: Chap. 273, Stats. 2021.

**AB 1809 (Aguilar-Curry) Nursing Facility Resident Informed Consent Protection Act of 2022.** This bill would have provided nursing home residents with the right to be free from psychotherapeutic drugs used for resident discipline, convenience, or restraint, except in the case of an emergency. The bill also would have required a prescriber, prior to prescribing a psychotherapeutic drug for a nursing home resident, to personally examine and obtain the informed written consent of the resident or their representative, and would have required specified information to be disclosed when obtaining informed written consent. Finally, this bill would have required staff at a nursing facility staff to verify that consent has been obtained before initiating treatment with psychotherapeutic drugs. Status: Vetoes.

### *Trusts and Estates*

**AB 1079 (Gallagher) Trusts: incompetence of settlor.** This bill clarifies which beneficiaries under a revocable trust are owed duties by the trustee if the settlor (or other person holding the power to revoke the trust) is deemed incompetent. Status: Chap. 749, Stats. 2021.

**AB 1716 (Maienschein) Estate: disposition.** This bill revises rules for the liability of persons who receive property, both real and personal, through the disposition of small estates outside formal probate administration. The bill also revises issues of when a spouse may be liable for the debts of their deceased spouse, by clarifying that a surviving spouse’s liability is limited to the property received through the disposition of estates outside formal probate administration. Status: Chap. 29, Stats. 2022.

**AB 1745 (Nguyen) Trusts: notifications.** This bill limits the time period when a beneficiary can bring an action to contest a trust to 120 days from the date when notice by the trustee is served on the beneficiary that a revocable trust, or any portion thereof, has become irrevocable because of the death of one or more settlors or by the express terms of the trust, as specified, or 60 days from the date on which a copy of the terms of the trust is delivered to that person, as provided, during that 120-day period, whichever is later. Status: Chap. 30, Stats. 2022.

**AB 1866 (Chen) Irrevocable trusts: limitations.** This bill provides that a settlor is not considered to be a beneficiary of an irrevocable trust created by the settlor solely by reason of the discretionary authority vested in the trustee to pay directly, or reimburse, the settlor for any federal or state income

tax on trust income or principal that is payable by the settlor; and that a transferee or creditor of the settlor is not be entitled to reach any amount solely by a reason of that discretionary authority vested in the trustee. Status: Chap. 32, Stats. 2022.

**SB 315 (Roth) Revocable transfer on death deed.** This bill extends the sunset date for revocable transfer on death deeds (RTDDs) for 10 years, until January 1, 2032, and makes other changes to the RTDD recommended by the California Law Revision Commission. Status: Chap. 215, Stats. 2021.

**SB 329 (Jones) Wills and trusts: no contest clauses.** This bill would have exempted actions to enforce no-contest clauses in wills or trusts from the “anti-SLAPP” statute. Status: Dead, Asm Judiciary.

**SB 928 (Wieckowski) Public administrators: compensation.** This bill increases the minimum compensation for a public administrator for administering an estate from \$1,000 to \$3,000. Status: Chap. 151, Stats. 2022.

**SB 1024 (Jones) Replacement of an incapacitated or deceased professional fiduciary.** *See Civil Commitment, Conservatorship and Guardianship.*

**SB 1159 (Jones) Uniform Fiduciary Income and Principal Act.** This bill would have repealed the existing Uniform Principal and Income Act and recast and updated those provisions under a new name, the Uniform Fiduciary Income and Principal Act. Status: Dead, Asm Judiciary.

**SB 1279 (Ochoa Bogh) Guardian ad litem: appointment.** *See Trusts and Estates.*

## **PROPERTY AND RELATED MATTERS**

### ***Mortgage Lending and Foreclosure***

**AB 1837 (Bonta) Residential real property: foreclosure.** This bill adds provisions that address fraud prevention, operational improvements, and affordable housing preservation to an existing statutory scheme that facilitates acquisition of homes in foreclosure by prospective owner-occupants, tenants, nonprofits, and public entities (commonly known as “the SB 1079 process”). Status: Chap. 642, Stats. 2022.

**AB 2170 (Grayson) Residential real property: foreclosure sales.** This bill provides tenants, prospective owner-occupants, and nonprofit affordable housing providers an initial 30-day window to purchase properties acquired by institutions through foreclosure. It also bans institutions from bundling such properties for sale. Status: Chap. 865, Stats. 2022.

**SB 1323 (Archuleta) Foreclosure: equity sale: multiple listing.** This bill sought to preserve homeowners’ earned equity in a home that is foreclosed on by requiring sale of these properties through listing on a real estate multiple listing service, and only if that method failed, utilizing a foreclosure auction. Status: Dead, Asm Inactive.

### ***Personal Property***

**AB 293 (Kalra) Unclaimed Property Law: preneed funeral arrangements.** This bill establishes procedures for when and how preneed funeral arrangements that are not claimed upon a beneficiary’s death should escheat to the state under the Unclaimed Property Law. Status: Chap. 514, Stats. 2021.

**AB 1208 (Ting) Unclaimed Property Law: claims streamlining.** This bill provides the State Controller's Office with statutory authority to streamline both the claims process and the payment of claims under the Unclaimed Property Law. Status: Chap. 270, Stats. 2022.

**AB 2280 (Reyes) Unclaimed property: interest assessments and disclosure of records.** This bill grants the State Controller's Office authority to establish a Voluntary Compliance Program under the Unclaimed Property Law (UPL), intended to encourage businesses to report unclaimed property that previously failed to escheat to the state. The bill also protects certain information from disclosure under the California Public Records Act, and regulates third parties that purport to assist property owners with filing UPL claims. Status: Chap. 282, Stats. 2022.

**SB 308 (Min) Unclaimed Property Law: electronic funds transfer: holders.** This bill requires that any holder of unclaimed cash under the Unclaimed Property Law to electronically transfer these funds to the State Controller's Office if they total at least \$2,000, rather than the current \$20,000, pursuant to regulations adopted by the Controller. Status: Chap. 103, Stats. 2021.

### *Common Interest Developments*

**AB 1101 (Irwin) Common interest developments: funds: insurance.** This bill prohibits homeowner associations from being able to self-insure against specified losses stemming from the malfeasance of an association management company, limits the accounts in which homeowner association funds can be deposited into to only those funds that are federally insured, and revises and recasts the amount of assets a homeowner association's manager can move between funds without approval from the association's board. Status: Chap. 270, Stats. 2021.

**AB 1410 (Rodriguez) Associations: declared emergency: protected uses.** This bill prohibits the governing documents of a homeowner's association from restricting a homeowner's right to rent or lease a portion of the homeowner occupied separate interest for 30 days or more, without regard to whether such restriction existed at the time the homeowner acquired title to the separate interest, and prohibits an association from taking any enforcement action regarding landscaping of a homeowner's separate interest during a declared emergency, or on days where the air quality is unhealthy, as determined by the State Air Resources Board. Status: Chap. 858, Stats. 2022.

**SB 391 (Min) Common interest developments: emergency powers and procedures.** This bill authorizes common interest development boards to meet by teleconference, without identifying a physical location where members of the common interest development may attend, in an area affected by a disaster or emergency, so long as all members may access the meeting via video or teleconference and adequate technical support is provided to members, as specified. Status: Chap. 276, Stats. 2021.

**SB 392 (Archuleta) Common interest developments: document delivery.** This bill requires homeowners associations to deliver specified notices by the delivery method specified by the member, and clarifies that the homeowners association is only required to post specified notices on its website if it already has a website. Status: Chap. 640, Stats. 2021.

**SB 432 (Wieckowski) Common interest developments.** This bill makes several minor modifications to homeowner association election laws including prohibiting an individual from running for a board seat if they have reached the number of terms provided for in the associations governing documents, specifies that individuals appointed by an inspector of elections to verify signatures and count and tabulate votes in homeowner association elections must meet the same requirements of third party

inspectors of elections, and provides that all election materials must be retained for 12 months after an election. Status: Chap. 642, Stats. 2021.

### ***Real Property***

**AB 633 (Calderon) Uniform Partition of Heirs Property Act.** This bill enacts the Uniform Partition of Heirs Property Act, which establishes a set of protections to help families retain ownership of real property that has been passed down without a will. The bill is meant to enhance opportunities for intergenerational wealth accumulation and transfer, particularly in communities of color that have historically been the target of predatory real estate practices. Status: Chap. 119, Stats. 2021.

**AB 870 (Santiago) Hazardous materials: liens.** This bill would have required the Department of Toxic Substances Control to determine the costs to remediate hazardous materials released into the environment, issue an order for corrective action, and would have authorized the Department to impose a lien upon the real property owned by a responsible party that is subject to, or affected by, the response or corrective action for the cost of remediating the conditions. Status: Dead, Asm Environmental Safety and Toxic Materials.

**AB 1375 (Bloom) Real property sales: termination of offer.** This bill would have granted a prospective buyer of a single-family home two additional days to terminate an offer to purchase the home after receiving written disclosures from the seller of the home. Status: Dead, Asm Judiciary.

**AB 1466 (McCarty, Bonta, Chiu) Real property: discriminatory restrictions.** *See Civil Rights.*

**AB 2245 (Ramos) Partition of real property.** This bill applies procedures enacted under last year's AB 633, the Uniform Partition of Heirs Property Act, to all partitions of real property in which there is not a prior agreement specifying the procedures to be used. Status: Chap. 82, Stats. 2022.

**AB 2328 (Flora) Local ordinances: home experience sharing.** This bill would have prohibited a city or council from prohibiting, or effectively prohibiting, the use of property as a home experience sharing unit, as defined. Status: Dead, Asm Local Government.

**AB 2383 (Jones-Sawyer) Rental housing unlawful housing practices: applications: criminal history.** *See Civil Rights.*

**AB 2512 (Bloom) Animals: aquatic plants: importation, transportation, and sheltering.** This bill would have permitted the Department of Fish and Wildlife to impose specified tax liens on the real property of a person determined to have violated the laws and regulations related to the possession of certain wild animals when the Department were forced to seize those animals. Status: Held, Asm Appropriations.

**AB 2672 (Flora) Fire prevention: defensible space inspections: statewide defensible space and home hardening platform.** This bill would have authorized the Department of Forestry and Fire Protection to develop an online platform to assist in the defensible space inspection process and to provide for certification of compliance with defensible space laws required for specified property sales agreements. Held, Asm Appropriations.

**AB 2710 (Kalra) Residential real property: sale of rental properties: right of first offer.** This bill would have ensured that tenants, nonprofit affordable housing providers, community land trusts, limited-equity housing cooperatives, and local public entities have both a right of first offer, and a right

of first refusal, for most rental housing that goes on sale in California. Status: Dead, Asm Housing and Community Development.

**AB 2899 (Ting) California Hazardous Substances Act: misbranded and banned hazardous substances: hearing procedure.** This bill would have extended the amount of time that notice of a hearing seeking permission to forfeit, condemn, and destroy a misbranded hazardous substance or a banned hazardous substance is detained or quarantined under California Hazardous Substances Act from 14 to 21 days prior to the hearing. Status: Vetoed.

**SB 1065 (Eggman) California Abandoned and Derelict Commercial Vessel Program.** This bill would have established California Abandoned and Derelict Commercial Vessel Program Coordinating Council to better coordinate efforts to remove derelict vessels from California waterways, streamlined various procedures regarding determining if a vessel is derelict, and provided for new penalties for the owners of such vessels. Status: Vetoed.

**SB 1084 (Hurtado) Agricultural land: foreign ownership and interests: foreign governments.** This bill would have prohibited foreign governments from owning agricultural land in California and required the Department of Food and Agriculture to publish an annual report regarding the foreign ownership of agricultural land in California. Status: Vetoed.

**SB 1405 (Ochoa Bogh) Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions: enforcement.** This bill empowers the Lake Arrowhead Community Service District to enforce specified covenants, conditions and restrictions on property owners living within the District, while removing the responsibility for such enforcement from the Arrowhead Woods Architectural Committee. Status: Chap. 309, Stats. 2022.

### ***Rental Property***

**AB 255 (Muratsuchi) COVID-19 Emergency Small Business Eviction Relief Act.** This bill would have required a landlord who received a certificate of hardship from a commercial tenant to enter into a good faith negotiation to form a plan allowing the tenant a reasonable opportunity to repay COVID-19 lease debt while minimizing the hardship to the landlord. As heard by the Committee, the bill included an urgency clause which was later removed. Status: Dead, Asm Inactive.

**AB 780 (Ting) Tenancies: notifying landlord of claim.** As referred to this Committee, this bill would have clarified an existing statute, which requires tenants to immediately notify their landlords of any legal proceeding seeking recovery of their rental property, to allow tenants to provide the required notification by letter, email, or another medium that provides a written or electronic record. The bill was subsequently amended to address rezoning of school district property. Status: Dead, Asm Local Government.

**AB 832 (Chiu) COVID-19 Rental Housing Recovery Act.** This bill extends for three months certain COVID-19-related eviction protections which were set to expire on July 1, 2021. It also puts into place new procedures governing unlawful detainer cases based on nonpayment of rent, to take effect between October 1, 2021 and March 31, 2022. Status: Chap. 27, Stats. 2021.

**AB 854 (Lee) Ellis Act: residential real property: withdrawal.** This bill would have done the following: (i) prohibited an owner of a rental property from filing a notice to withdraw a property from the rental market under the Ellis Act unless the owner has owned the property for five continuous years



or more; (ii) prohibited any person or entity that withdraws a property under the Ellis Act from withdrawing another property if it is purchased within ten years of the initial filing; (iii) prohibited persons from acting in concert to circumvent (i) and (ii); and (iv) established a private right of action for violations of (i) or (ii). Status: Dead, Asm Floor.

**AB 1188 (Wicks) Rental property data registry.** As referred to the Committee, this bill required each local government, as defined, to collect and disseminate specified information about rental properties within the local government's jurisdiction. The bill was subsequently amended to require the Department of Housing and Community Development to retain data from local rental registries and from COVID-19 rental assistance programs, thus removing the bill from this Committee's jurisdiction. Status: Held, Asm Appropriations.

**AB 1487 (Gabriel) Legal Services Trust Fund Commission: Homelessness Prevention Fund.** This bill would have established the Homelessness Prevention Fund to fund education, outreach, and legal services targeted towards preventing homelessness among particularly vulnerable renter populations. The Fund would have been administered by the Legal Services Trust Fund Commission under the State Bar of California, and funded through appropriation by the Legislature. Status: Vetoed.

**AB 2050 (Lee, Carrillo) Residential real property: withdrawal of accommodations.** This bill would have done the following: (i) prohibited an owner of a rental property from filing a notice to withdraw a property from the rental market under the Ellis Act, unless the owner had owned the property for five continuous years or more; (ii) prohibited any person or entity that withdrew a property under the Ellis Act from withdrawing another property if it were purchased within ten years of the initial filing; (iii) prohibited persons from acting in concert to circumvent (i) and (ii); and (iv) established a private right of action for violations of (i), (ii), or (iii). Status: Dead, Asm Inactive.

**AB 2179 (Grayson, Wicks) COVID-19 relief: tenancy.** This bill extends by three months the following previously-enacted measures: (i) statewide eviction protections for tenants who have applied for emergency rental assistance but have not yet had their applications processed; and (ii) statewide preemption of certain categories of local eviction ordinances. The bill includes an urgency clause. Status: Chap. 13, Stats. 2022.

**AB 2203 (L. Rivas) Fair employment and housing protections: credit reports.** This bill would have made it an unlawful practice under the Fair Employment and Housing Act (FEHA) to require a consumer credit report as part of the application process for government-subsidized rental housing. Status: Dead, Asm Inactive.

**AB 2297 (Wicks) Tenancy: fee in lieu of a security deposit.** This bill would have established a legal framework whereby landlords could allow tenants to pay a monthly fee in lieu of an upfront security deposit in its entirety. Status: Dead, Asm Judiciary.

**AB 2386 (Bloom) Planning and zoning: tenancy in common subject to an exclusive occupancy agreement.** This bill would have permitted a local government to require disclosures in the exclusive occupancy agreements that accompany ownership of multifamily housing units owned as tenancy in common. Status: Dead, Asm Inactive.

**AB 2469 (Wicks) Housing: Statewide Rental Registry.** This bill would have required the Department of Housing and Community Development to develop and maintain a rental registry online

portal, and required landlords to submit a rental registry form to the Department whenever a lease were initiated, altered, or terminated. Status: Dead, Asm Housing and Community Development.

**AB 2503 (C. Garcia) Landlords and tenants: lessors and lessees.** This bill directs the California Law Revision Commission to study how to establish consistent, modern, reasonably concise terminology in statutes governing the rental of residential real property without undermining existing case law and contracts. Status: Chap. 462, Stats. 2022.

**AB 2559 (Ward) Reusable screening reports.** This bill establishes criteria for landlords to voluntarily accept reusable tenant screening reports and specifies information that such reports must include. Status: Chap. 288, Stats. 2022.

**AB 2713 (Wicks, Bloom, Grayson) Tenant protections: just cause termination: rent caps.** This bill would have closed loopholes that have been used to evade the rental rate increase and just cause eviction protections previously enacted by AB 1482 (Chiu, Chap. 597, Stats. 2019). Status: Dead, Asm Inactive.

**SB 555 (McGuire) Local agencies: transient occupancy taxes: online short-term rental facilitator: collection.** This bill would have authorized local agencies to enact an ordinance exclusively delegating their authority to collect transit occupancy tax (TOT) to the newly created California Department of Tax and Fee Administration (CDTFA) and required a “short-term rental facilitator” to collect such tax from a “purchaser” and transmit it to the CDTFA, which would then transmit the county’s TOT back to the county. Status: Held, Asm Appropriations.

**SB 847 (Hurtado) COVID-19 relief: tenancy: grant program.** This bill would have established the COVID-19 Tenancy Grant Program to provide grants to landlords who were unable to, or did not, receive COVID-19 emergency rental assistance; and conditioned program grants on landlords’ provision of at-fault just cause eviction protections for current tenants and acknowledgment that any outstanding judgments for COVID-19 rental debts have been satisfied. Status: Held, Asm Appropriations.

**SB 1017 (Eggman) Leases: termination of tenancy: abuse or violence.** This bill strengthens rental housing-related protections for survivors of domestic violence, elder or dependent abuse, sexual assault, stalking, and human trafficking. The bill enacts an affirmative defense to an unlawful detainer based on specified, documented acts. The bill also provides for a partial eviction process in which the perpetrator is removed from the property, while survivors may remain. Status: Chap. 558, Stats. 2022.

**SB 1026 (Wieckowski) Residential energy efficiency disclosure statement.** This bill would have required, beginning January 1, 2024, a prospective tenant with the right to obtain from the owner of a residential dwelling unit a disclosure statement about the energy efficiency of any residential unit offered for rent or lease. Status: Held, Asm Appropriations.

**SB 1335 (Eggman) Discrimination: housing: credit history of persons receiving housing subsidies.** This bill would have made it an unlawful practice under the Fair Employment and Housing Act to require a consumer credit report as part of the application process for government-subsidized rental housing, unless the landlord offered applicants the option to provide alternative evidence of financial responsibility and their ability to pay. Status: Dead, Asm Housing and Community Development.

**SB 1396 (Bradford) Tenancy: credit reporting.** This bill requires the Department of Financial Protection and Innovation to select an independent evaluator to evaluate the impact of a state program that requires landlords of assisted housing developments to offer their tenants the option of having their rental payments reported to at least one consumer reporting agency. Status: Chap. 670, Stats. 2022.

### *Affordable Housing*

**AB 258 (Villapudua) Emergency Housing and Assistance Program: pets.** This bill would have removed barriers to accessing housing options by requiring specified state programs providing interim housing to follow low barrier practices, including permitting pets, partners and personal possessions to be brought into emergency shelters, navigation centers, motel vouchers, recovery-oriented interim interventions, Project Roomkey or Project Homekey sites used as interim housing. Status: Held, Asm Appropriations.

**AB 721 (Bloom) Covenants and restrictions: affordable housing.** This bill provides that covenants, restrictions, or private limits on the density of a property are unenforceable against a property owner who is developing a 100% affordable project, as specified. It also provides that any covenants, restrictions, or private limits held for a land conservation easement by a land trust, as specified, are exempt from the provisions of this bill. Status: Chap. 349, Stats. 2021.

**AB 1258 (Nguyen) Housing element: regional housing need plan: judicial review.** This bill would have subjected the Department of Housing and Community Development's final determination regarding a local government's compliance with state-mandated regional housing needs to judicial review in actions brought by a local council of governments. Status: Dead, Asm Housing and Community Development.

**SB 591 (Becker) Senior citizens: intergenerational housing developments.** This bill authorizes the establishment of an intergenerational housing development for senior citizens, caregivers, or transition age youths so long as 80 percent of units are for seniors, and those living with seniors, and 20 percent of units for these at-risk young adults. Status: Chap. 364, Stats. 2021.

### **MISCELLANEOUS**

**AB 358 (Flora) Electrified security fences: permitted use.** This bill makes a number of changes to state law dealing with electrified fences that are used to protect non-agricultural property, including the height and compliance with zoning requirements of such fences. The bill authorizes a property owner to install and operate electrified security fences on their property, whether combined with an alarm system or not, provided that the fences meet specified conditions and are not prohibited by a local ordinance. Status: Chap. 148, Stats. 2021.

**AB 938 (Davies) Maintenance of the codes.** This bill makes nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature. Status: Chap. 124, Stats. 2021.

**AB 1578 (Committee on Judiciary) Judiciary omnibus.** This bill adopts nearly two-dozen technical changes to various code sections related to the jurisdiction of the Assembly Judiciary Committee, including permanently codifying procedures for remote administrative law hearings originally adopted during the pandemic as emergency rules, codifying the California Supreme Court's holding in

*Property Reserve Inc. v. Superior Court* (2016) 1 Cal. 5th 151, providing that a property owner subject to an eminent domain action may seek to recover damages as a defendant and that the property owner possess a waivable right to a jury trial to seek compensation for pre-condemnation damages, and extending several expiring sunset provisions. Status: Chap. 401, Stats. 2021.

**AB 1901 (Nazarian) Pet trainers.** This bill requires a dog trainer to provide a purchaser of dog training services with a written disclosure containing specified information, including any civil judgments related to the dog trainer's services and any criminal animal cruelty convictions against the dog trainer. This Committee waived hearing this bill. Status: Chap. 276, Stats. 2022.

**AB 2960 (Committee on Judiciary) Judiciary omnibus.** This bill makes technical and generally noncontroversial changes to sections of the California Code that are within the purview of the Assembly Judiciary Committee. Status: Chap. 420, Stats. 2022.

**ACR 24 (Chau) California Law Revision Commission: studies.** This resolution grants approval to the California Law Revision Commission (CLRC) to continue its study of 13 designated topics that the Legislature previously authorized or directed the CLRC to study. The resolution also authorizes and requests the CLRC to study and report on whether the law should be revised to provide special rules that would apply to an area affected by a state of disaster or emergency declared by the federal government, a state of emergency proclaimed by the Governor, or a local emergency proclaimed by a local governing body or official. Status: Res. Chap. 108, Stats. 2021.

**ACR 95 (Cunningham, Wicks) California Law Revision Commission: antitrust study.** This resolution grants approval to the CLRC to study ways to improve antitrust laws in California, including whether to outlaw monopolies by single companies; whether antitrust injury reflects competitive benefits such as innovation and permitting the personal freedom of individuals to start their own businesses and not solely whether such monopolies act to raise prices; and whether the law should be revised in any other fashion such as approvals for mergers and acquisitions and any limitation of existing statutory exemptions to the state's antitrust laws to promote and ensure the tangible and intangible benefits of free market competition for Californians. Status: Res. Chap. 147, Stats. 2022.

**SB 913 (Hertzberg) School districts: operations.** This bill reduces the threshold of average daily attendance, which provides very large school district(s) with some flexibility relative to several provisions in the Education Code, thereby reflecting the drop in enrollment in the state's largest school district. The original referral to this Committee was revised so that it was heard only by the Assembly Education Committee. Status: Chap. 920, Stats. 2022.

**SB 1380 (Committee on Judiciary) Maintenance of the codes.** This bill makes nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature. Status: Chap. 28, Stats. 2022.